



U.S. Department
of Transportation
**Federal Highway
Administration**

Motor Carrier Training Manual

Volume **1 - MANAGEMENT**

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U.S. Department
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Motor Carrier Training Manual

Volume 1-Management

Chapter 1-Maintenance and Use of Manual

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1. PURPOSE. To set forth guidelines and instructions for specific work activities in the Office of Motor Carriers (OMC) program areas.

2. DISTRIBUTION AND USE. Each OMC employee shall have available a copy of the Motor Carrier Training Manual. It must be followed and kept current to insure that established policies and guidelines are properly implemented.

3. ORGANIZATION OF MATERIAL. Each volume deals with a major phase of the Motor Carrier Program, and is divided into chapters dealing with specific activities. A Table of Contents is a part of each volume.

4. REVISIONS

- a. Each issuance and each change is assigned a sequential transmittal number.
- b. The manual holder should read each transmittal and record the transmittal number.
- c. Each transmittal will contain a brief explanation of the material included. Changes will be marked in the margin for easy identification.

[illegible]



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

t: Motor Carrier Training Manual

Date **MAR 8 1990**

t: Director, Office of Motor Carrier
Field Operations

Reply to
Attn of **HFO-10**

t: Office of Motor Carrier Personnel

The attached **Motor Carrier Training Manual (MCTM)** developed by the Office of Motor Carrier Field Operations, Federal Programs Division in cooperation with the Transportation Safety Institute (TSI) serves a dual purpose of a training aid and a specific guide for work activities in the program areas of the Office of Motor Carriers.

The **MCTM** should be used in conjunction with the **Motor Carrier Safety Manual (MCSM)**. The **MCTM** supersedes the **TSI Training Text** and any portion of the **MCSM**, memoranda or instructions which are in conflict.

All issues and revisions of, and deletions to, the **MCTM** are prepared and approved by the Office of Motor Carriers. Questions concerning additions, deletions, or corrections should be directed to the Chief, Federal Programs Division (HFO-10).


Michael F. Trentacoste

Attachment



U.S. Department
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Motor Carrier Training Manual

Volume 2-Compliance

Notification of Carriers/Shippers
Chapter 1-Subject to **FMCSRs/HMRs** and Update
of the **MCMIS**

- Par. 1. Purpose
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1. PURPOSE

- a. To establish procedures for identifying carriers and notifying them of their obligations and responsibilities under the Federal Motor Carrier Safety Regulations (**FMCSRs**) (**49 CFR 390-397**), the Federal Interstate Motor Carrier Noise Emission Compliance Regulations (**49 CFR 325**), Commercial Driver's License Standards; Requirements and Penalties (**49 CFR 383**), Minimum Levels of Financial Responsibility (**49 CFR 387**), or the Motor Carrier Safety Regulations for the Transportation of Migrant Workers (**49 CFR 398**).
- b. To establish procedures for identifying shippers and carriers of hazardous materials and notifying them of their obligations and responsibilities with respect to the Hazardous Materials Regulations (**HMRs**) (**49 CFR 100-178**).
- c. To establish procedures for identification and description of carriers/shippers for inclusion in the Motor Carrier Management Information System (**MCMIS**) Census.

2. FORMS

a. Form MCS-150, Motor Carrier Identification Report

- (1) This form is a questionnaire to be completed by all motor carriers currently conducting operations in interstate or foreign commerce, except those that have received written notification of a safety rating from the Federal Highway Administration (**FHWA**). New motor carriers shall file the report within **90** days after beginning operations.
- (2) A small supply of these forms have been furnished to the field staff. The return address is preprinted on the forms. All forms shall be returned to: **FHWA**, Office of Motor Carriers (**OMC**), Office of Information Management and Analysis, **400** Seventh Street, SW., Washington, D.C. **20590**. The form may be reproduced on **8½** x **11** inch paper.
- (3) Completion and return of this form is required under **49 CFR 385.21**.
- (4) The notification letter for motor carriers, **MCS-40**, is discontinued with the use of the **MCS-150**.
- (5) Use of the **MCS-137** is to be continued until the **MCS-150** is issued.

b. Form MCS-151 Part A, Carrier/Shipper Identification

Form **MCS-151** Part A is to be used to transmit data concerning new carriers to the **OMC**, Office of Information Management and Analysis (**HIA**). Instructions for preparing Form **MCS-151** Part A are contained in Volume **2**, Chapter 7 of this manual. Carriers are to be entered on the census system as soon as possible after the safety specialist becomes aware that operations subject to the **FMCSRs/HMRs** are being conducted.

3. IDENTIFICATION OF CARRIERS AND SHIPPERS

- a. The safety specialist should utilize available means to identify motor carriers and shippers not previously included in the **MCMIS** Census. Information about a motor carrier may be obtained from Interstate Commerce Commission (ICC) bulletins, reports of driver and vehicle equipment inspections, complaints, accident investigations, reports by motor carriers, the safety specialists observations of motor carrier equipment and facilities, State inspection reports, and other sources.
- b. Upon receipt of information on a motor carrier/shipper prospect that has not been notified of its responsibilities under the **FMCSRs/HMRs**, the safety specialist must determine the applicability of the regulations to such operations. This may be done through interviewing carrier/shipper officials or sending a **MCS-150**, to be completed and returned.
- c. The **OMC/HIA**, may identify a business entity which appears to be conducting motor carrier/shipper operations subject to the **FMCSRs/HMRs**, but which is not entered on the **MCMIS** Census. In such cases, the name and address of the carrier will be entered on the census and notification given to the entity. Region will be requested to provide additional information to "update" the census file.

4. CHANGES IN THE **MCMIS**. Changes in the **MCMIS** Census, such as the name or address of a motor carrier, its classification or fleet size, or the fact that the carrier has gone out of business, shall be forwarded to the **OMC/HIA**, attention **HIA-10**, on the **MCS-151** Part A or information may be updated directly at the Regional level or the Division level, as appropriate. In the case of duplications where a motor carrier appears more than once on the automated system, generally, the file with the lowest census number will be retained and updated as necessary.

5. DISTRIBUTION OF FORMS

<u>FORM NUMBER</u>	<u>ORIGINAL</u>	<u>COPY</u>
MCS-150	Field File	
MCS-151 Part A	Washington Headquarters through the Regional Office	Field File



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Motor Carrier Training Manual

Volume --COMPLIANCE

Chapter **3-FINANCIAL** RESPONSIBILITY,
PROPERTY AND PASSENGER CARRIERS

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 12. Complaints
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REFERENCED ATTACHMENTS

- Attachment A - Schedule of Limits
Attachment B - **MCS-90**
Attachment C - **MCS-90/B**
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Attachment F - ICC Authorization to Self-Insure
Attachment G - Letter Advising Motor Carrier of their being
Subject to Financial Responsibility
Requirements

1. PURPOSE. To establish policies and procedures for the administration and enforcement of the financial responsibility (insurance) requirements promulgated in **49 CFR Part 387** pursuant to the provisions of Section **30** of the Motor Carrier Act of **1980 (MCA 1980)** (P.L. 96-298 as amended and Section **18** of the Bus Regulatory Reform Act of **1982 (BRRA 1982)** (P.L. 97-261), as amended by the Motor Carrier Safety Act of **1984 (MCSA 1984)**.
2. AUTHORITY
 - a. Section **30** of the **MCA 1980** provides that the Secretary of Transportation shall establish regulations to require minimum levels of financial responsibility covering public liability, property damage, and environmental restoration for the transportation of property, for-hire, in interstate or foreign commerce, and for private and for-hire transportation of hazardous materials in interstate, intrastate, or foreign commerce.
 - b. Section **406** of the Surface Transportation Assistance Act of **1982** amended the **MCA 1980** by bringing the transportation of hazardous materials in foreign commerce under the provisions of the minimum levels of financial responsibility. Another amendment extended the provisions of the **MCA 1980** to any motor vehicle having a gross vehicle weight rating (**GVWR**) of less than **10,000** pounds when such vehicle is used to transport any quantity of Class A or B explosives, any quantity of poison gas, or highway route controlled quantity radioactive materials in interstate or foreign commerce.
 - c. Section **18** of the **BRRA 1982** provides that the Secretary shall establish regulations to require minimum levels of financial responsibility covering public liability and property damage for the transportation of passengers for-hire by motor vehicles operating in interstate or foreign commerce.

- d. The **BRRA 1982** (as amended) requires motor carriers domiciled in a contiguous foreign country to have on board the vehicle evidence of financial responsibility when operating in the United States. The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility in such vehicle.

e. Delegations of Authority

- (1) The authority of the Secretary, in the **MCA 1980**, was delegated to the Federal Highway Administrator in **49 CFR 1.48(w)** and further delegated to the Associate Administrator for Safety and then to the Director, Office of Motor Carriers in Volume **45** of the Federal Register, page **57674**, August **28, 1980**.

- (2) The authority of the Secretary in The **BRRA 1982** was delegated to the Federal Highway Administrator in **49 CFR 1.48(z)** and further delegated to the Associate Administrator for Safety, Traffic Engineering, and Motor Carriers and then to the Director, Office of Motor Carriers in Volume **48** Federal Register, page **52678**.

- 3. POLICY. To diligently enforce the provisions of **49 CFR 387** governing the minimum levels of financial responsibility for motor carriers of property and passengers.

4. DEFINITIONS

- a. Attached - The word "attached" as used in the illustration of the **MCS-90/90B** in Section **387.15** and **387.39** does not mean that the **MCS-90/90B** and the policy must be physically joined in a union. "Attached" in the context of this requirement means that the **MCS-90/90B** has been issued and the terms of that endorsement attaches or becomes a part of the policy of insurance.

- b. Endorsement - An endorsement is an amendment to an insurance policy. The prescribed **MCS-90**, which the insurance company executes, states in part: "The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the **limits** stated herein, as a motor carrier of property, with Sections **29** and **30** of the **MCA 1980** and the rules and regulations of the Federal Highway Administration's Office of Motor Carriers . . ."

The prescribed **MCS-90B**, which the insurance company executes, states in part: "The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the **limits** stated herein, as a for-hire motor carrier of passengers with Section **18** of the **BRRA 1982** and the rules and regulations of the Federal Highway Administration's Office of Motor Carriers . . ."

- c. In Bulk - The transportation, as cargo, of property, except Class A and B explosives and poison gases, in containment **systems** with capacities in excess of **3,500** water gallons.
- d. In Bulk (Class 'A and B explosives) - The transportation, as cargo, of any Class A or B explosive(s) in any quantity.
- e. In Bulk (Poison Gas) - The transportation, as cargo, of any poison gas in any quantity.

5. APPLICABILITY

a. Motor Carriers of Property

- (1) The minimum levels of financial responsibility do not apply uniformly to all segments of the industry. Safety specialists shall become thoroughly familiar with Section **387.3** "Applicability" and with Section **387.9** "Financial Responsibility, Minimum Levels." The Schedule of Limits in Section **387.9** denotes the applicable minimum limits of financial responsibility for the type of transportation and the **commodity(ies)** being transported.

- (2) Briefly stated, the regulations apply to vehicles with a **GVWR** of **10,000** pounds or more (see exception in paragraph (d) below) which are:
 - (a) For-hire, vehicles transporting property (nonhazardous) in interstate commerce.
 - (b) For-hire and private, vehicles transporting in bulk hazardous substances in interstate, or intrastate commerce. The term "in bulk" means any quantity of hazardous substances transported in containment systems with capacities in excess of **3,500** water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquefied compressed gas or compressed gas; or highway-route-controlled quantity radioactive materials.
 - (c) For-hire and private, vehicles transporting oil; any quantity of hazardous materials, substances, or wastes in interstate commerce or in intrastate commerce in bulk only, **not mentioned** in (b) above or (d) below.
 - (d) For-hire and private, vehicles transporting any quantity of Class A or B explosives, poison gas (Poison A), or highway route controlled quantity radioactive materials in interstate commerce in vehicles with a **GVWR** of less than **10,000** pounds.
- (3) Contract motor carriers for the U.S. Postal Service operating vehicles with **GVWR** of **10,000** pounds or more are subject to the Federal financial responsibility requirements of **49 CFR 387**, regardless of their sphere of operation (interstate, intrastate, or foreign transportation).

b. Motor Carriers of Passengers

- (1) The minimum levels of financial responsibility do not apply uniformly to all passenger carriers. Staff members should become thoroughly familiar with Section **387.27** "Applicability," and with Section **387.33** "Financial Responsibility, Minimum Levels."

(2) Briefly stated, the regulations apply to **for-hire** motor carriers of passengers operating in interstate commerce. The minimum level of financial responsibility required is determined pursuant to vehicle seating capacity which are:

(a) For-hire vehicle with seating capacity of **16** or more passengers operating in interstate commerce.

(b) For-hire vehicle with seating capacity of **15** or less passengers operating in interstate commerce.

c. Safety specialists who are not sure how to respond to a particular question should seek assistance from their Division Office prior to seeking assistance from the Regional Office. Headquarters, Federal Programs Division (**HFO-10**) will provide assistance to Regional personnel, as necessary.

6. MEETING FINANCIAL RESPONSIBILITY REQUIREMENTS

a. It is the motor carrier's obligation to obtain the required limits of financial responsibility. A carrier may satisfy the financial responsibility requirements with:

(1) A single policy of insurance in at least the required amount, or a combination of policies the sum of which meets or exceeds the required amount listed in the appropriate Schedule of Limits. Each policy must be amended by the **MCS-90/MCS-90B** which attaches to the terms of the policy;

(2) A surety bond which meets or exceeds the financial responsibility requirements listed in the appropriate Schedule of Limits. The surety bond must be issued on the **MCS-82/MCS-82B**; or

(3) A written decision, order, or authorization of the Interstate Commerce Commission (ICC) authorizing the motor carrier to self-insure. The motor carrier must maintain a "satisfactory" safety rating.

b. Proof of required financial responsibility shall be maintained at the motor carrier's principal place of business. The proof shall consist of:

- (1) An endorsement(s) for Motor Carrier Policies of Insurance for Public Liability under Sections **29** and **30** of the **MCA 1980 (MCS-90)** issued by an insurer(s); (property)
- (2) An "Endorsement(s) for Motor Carriers of Passengers Policies of Insurance for Public Liability Under Section **18** of the **BRRA 1982**" (Form **MCS-90B**) issued by an insurer(s); (passenger)
- (3) A Motor Carrier Public Liability Surety Bond under Sections **29** and **30** of the **MCA 1980 (MCS-82)** issued by a surety; (property) or
- (4) A "Motor Carrier of Passengers Surety Bond for Public Liability Under Section **18** of the **BRRA 1982**" (Form **MCS-82B**) issued by a surety. (passenger)
- (5) The originals of the insurance **policy(ies)** and a **MCS-90/MCS-90B or MCS-82/MCS-82B** may not be available for inspection by the safety specialist. A legible photocopy of the **MCS-90/MCS-90B or MCS-82/MCS-82B** will serve as proof of the required financial responsibility.
- (6) A written decision, order, or authorization of the ICC authorizing the motor carrier to **self-insure**.
- (7) There may be a time lag between the time a motor carrier requests, and its insurer provides, the increased amount of coverage necessary to meet the level of financial responsibility prescribed by the regulations. There will be no **MCS-90/MCS-90B** for confirmation of coverage available from the carrier. In the event that this situation should arise, the motor carrier will be provided, by its insurer, with a binder of insurance. This binder is issued by the insurer for a specified period until a policy of insurance can be issued. The binder of insurance will be accepted by the safety specialist as proof of insurance, until the **MCS-90/90B** is issued.

- c. When a motor carrier leases a vehicle, the leased vehicle must come under its policy of insurance, surety bond or ICC authorization to self-insure.
 - (1) The MCS-90/MCS-90B states in part the "insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicle(s), regardless of whether such motor vehicle(s) are specifically described in the policy or not . . ." (emphasis added).
 - (2) The MCS-82/MCS-82B states in part: "... within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein..." (emphasis added).
 - (3) The ICC authorization to self-insure is issued to a motor carrier. All vehicles operated by the motor carrier would be covered under the authorization.
- d. A policy of insurance or surety bond does not satisfy the financial responsibility requirements unless the insurer or surety furnishing the policy or bond is:
 - (1) Legally authorized to issue such policies or bonds in each State in which the motor carrier operates;
 - (2) Legally authorized to issue such policies or bonds in the State in which the motor carrier has its principal place of business or domicile, and is willing to designate a person(s) for service of process in any State in which the motor carrier operates; or
 - (3) Legally authorized to issue such policies or bonds in any State of the United States and eligible as an excess or surplus lines insurer in any State in which business is written, and is willing to designate a person(s) for service of process in any State in which the motor carrier operates.

7. REPORTING AND APPLICABLE FORMS

a. Results of Safety/Compliance Review (SR/CR)

- (1) Forms **MCS-151** Part A, **SR** Part B, **CR** Part B, Part C, and Part D are to be used report the findings of a review for financial responsibility. These forms are to be completed in accordance with Chapter 16 of this volume.
- (2) On the **MCS-151** **CR** Part B, describe the violation(s) of the financial responsibility regulations and document at least 4 or 5 interstate trips made during the period of the violation(s). This should preclude the necessity of revisiting the carrier's premises in the event that an enforcement report is required.
- (3) When reviewing financial responsibility on the **SR** the **MCS-151** Part A, **SR** Part B, Part C, and Part D are used. These forms are to be completed in accordance with Chapter 7 of this volume.
- (4) On the **MCS-151** **SR** Part B1, mark the appropriate box. If "no" is marked, document at least 4 or 5 trips made during the period of violation(s). This should preclude the necessity of revisiting the carrier's premises in the event a formal enforcement report is required.

b. Enforcement Action. Form **MCS-152**, Motor Carrier Safety Enforcement Report, and related forms/documents are to be used to initiate an enforcement action. These forms are to be completed in accordance with Volume 4, Chapter 1 of this manual.

c. Inspection of Foreign Carriers

- (1) Border Crossings. Form **MCS-63**, Driver-Vehicle Examination Report, is to be used to record the inspection of a foreign vehicle for evidence of financial responsibility coverage at a border crossing.

(2) Other Than Border Crossings. The **MCS-63** is to be used to record the inspection of a foreign vehicle for evidence of financial responsibility coverage in conjunction with a driver-vehicle safety inspection. This form will be completed pursuant to instruction in Chapter 8, **Driver-Vehicle Examination**.

- d. Intrastate Carriers. Form **MCS-150**, Motor Carrier Identification Report, is to be used to gather information on an intrastate carrier suspected of transporting commodities which would make it subject to the Federal financial responsibility requirements. The return of the completed **MCS-150** will indicate whether a trip to the carrier's office will be necessary.

8. INSPECTION OF DOCUMENTS

- a. During the course of every **SR/CR**, accident investigation, or complaint investigation of a motor carrier at its principal place of business, the safety specialist will inspect the carrier's evidence of financial responsibility for compliance with applicable regulations.
- b. The safety specialist must first determine the minimum level of coverage the carrier is required to maintain for the **commodity(ies)** it transports by referring to the appropriate Schedule of Limits. A copy of the Schedule of Limits is shown in Attachment A.
- c. A motor carrier must produce, upon request by a safety specialist, the original or copy of the **MCS-90/MCS-90B**, **MCS-82/MCS-82B** or ICC authorization to self-insure.
- d. Samples of properly completed form **MCS-90**, **MCS-90B**, **MCS-82**, **MCS-82B** and ICC authorization to self-insure are shown in Attachments **B**, **C**, **D**, **E** and **F**.

A safety specialist is authorized to inspect a motor carrier's policy of insurance if it is available; however, there is no requirement in the regulations obligating the motor carrier to produce the policy of insurance. It is mandatory that the endorsement(s), surety bond or ICC authorization to self-insure be inspected to determine if the motor carrier is in compliance with Sections 29 and 30 of the **MCA 1980**, as amended, Section 28 of the **BRRRA 1982** and the regulations issued pursuant thereto in **49 CFR Part 387**.

- f. The **MCS-90/MCS-90B** or **MCS-82/MCS-82B** must contain all the information pertaining to:
 - (1) The name of the insurer or surety.
 - (2) The exact name of the insured.
 - (3) Amount of coverage for insured or principal.
 - (4) Policy or bond number.
 - (5) Insurance or surety company telephone number.
 - (6) Signature of "authorized company representative" issuing the required endorsement/surety bond.
- g. To verify compliance, examine the **MCS-90/MCS-90B** or **MCS-82/MCS-82B** and make certain that:
 - (1) The endorsement(s) or surety bond is complete:
 - (a) The names of all parties appear on the forms.
 - (b) The level of coverage provided is clearly indicated.
 - (c) The telephone number is provided for contacting the insurer or surety.
 - (2) The effective date of the coverage appears on the endorsement or surety bond, and there were no subsequent cancellations.

- (3) The coverage is correctly aggregated when two or more policies of insurance and endorsements are present.
 - (4) The endorsement(s) or surety bond is signed by an authorized company representative of the insurance or bonding company.
- h. The insurer or surety should be contacted if:
 - (1) Examination of the documents indicates that information has been omitted from the form or appears incorrect;
 - (2) There is reason to believe the policy or bond is not currently in force;
 - (3) The document(s) is not signed; or
 - (4) It appears the documents are fraudulent or otherwise misrepresented.
- i. If the insurer or surety is contacted, ask the insurer or surety to:
 - (1) Confirm that the policy or surety bond is currently in force.
 - (2) Verify that the coverage provided equals or exceeds the amount stated on the endorsement or bond.
 - (3) Have any inaccuracies or omissions in the endorsement or bond corrected by causing new documents to be issued.
- j. The ICC authorization to self-insure must contain:
 - (1) The exact name of the motor carrier.
 - (2) The ICC Docket Number.
- k. To verify the ICC self-insurance authorization contact the ICC.

1. The safety specialist may occasionally conclude that a duplicate original of the endorsement(s) or surety bond(s) should be requested from the provider of the coverage to satisfy doubts about the authenticity of coverage or to serve as evidence in any enforcement action against the carrier. The safety specialist may request the documents; however, under ordinary circumstances, he/she does not have authority to demand or compel the provider to supply the documents.
- m. A carrier may legally allow its insurance coverage to expire or lapse during a period of time when its vehicles are not operated over the public highways (e.g., a seasonal carrier).

9. ENFORCEMENT

- a. Section 387.17, "Violation and penalty" (motor carriers of property) and Section 387.41 "Violation and penalty" (motor carriers of passengers) provide that: "Any person (except an employee who acts without knowledge) who knowingly violates the rules of this part shall be liable to the United States for civil penalty of no more than \$10,000 for each violation, and if such violation is a continuing one, each day of violation will constitute a separate offense."
- b. Violations of the financial responsibility regulations must be considered on a case-by-case basis. "Knowingly violates the rules of this part" are the key words. Appropriate questions and discussion of the requirements with management personnel should indicate whether the violation was deliberate or through lack of knowledge of the requirement.
- c. Violations will fall into two general categories: (1) failure to maintain evidence of financial responsibility, and (2) less than the required amount of or no financial responsibility coverage.

- (1) Action to take when the violation is failure to maintain evidence of financial responsibility (i.e., not having a **MCS-90/MCS-90B**, **MCS-82/MCS-82B** or ICC authorization to self-insure) on file, having an improper **MCS-90/MCS-90B** or **MCS-82/MCS-82B** on file, or the carrier either does not have any financial coverage or it has less than the required amount of coverage:
- (a) Enter in the Part **387** comments section of form **MCS-151 SR** Part A or in the recommendation section of form **MCS-151 CR** Part B recommendation section the following statement: "A properly executed copy of Form **MCS-90/MCS-90B**, Endorsement, or Form **MCS-82/MCS-82B**, Surety Bond, must be filed with the Office of Motor Carriers (add address), within 10 working days from the date of receipt of this document." (Timely receipt of the properly executed document may preclude a formal enforcement action). Documents shall be gathered during the review to prove violations of the financial responsibility requirements and to avoid a revisit to the motor carrier's office.
- (b) One of the following circumstances will develop from the action taken above.
- 1 The proof of financial responsibility supplied shows full compliance with the regulations. The authenticity of the information shown on the document(s) was verified by a telephone call to the provider of the financial responsibility coverage. No further action is required.
 - 2 The proof of financial responsibility supplied shows noncompliance with the regulations.
 - 3 The carrier fails to comply with the review request to supply proof of financial responsibility coverage within 10 working days from date of receipt of the review.

- (c) Enforcement action shall be initiated during the review or investigation, when conditions 2 or 3 above occur and there is knowledge and willfulness (e.g., **SR**, **CR**, correspondence, **etc** . ..).
 - (d) Enforcement action shall be initiated against a motor carrier which fails to produce evidence of the applicable minimum levels of financial responsibility within **30** calendar days. NOTE: This is uniformly applicable to motor carriers which fail to have sufficient levels of financial responsibility in effect, and fail to have proof of the required financial responsibility at the principal place of business.
 - (e) Written justification for not preparing an enforcement case must be submitted to the Regional Director **if** extenuating or unusual circumstances exist.
- d. Enforcement action should be initiated by filing an enforcement report for the following violations:
- (1) Operating a motor vehicle without having in effect any insurance, surety bond, or ICC authorization to self-insure. This may include a period of lapsed coverage, if applicable;
 - (2) Operating a motor vehicle without having in effect the required minimum level of financial responsibility;
 - (3) Failing to maintain, at its principal place of business, proof of the required financial responsibility consisting of **MCS-90/MCS-90B**, **MCS-82/MCS-82B**, or ICC authorization to **self-insure**;
 - (4) Failing to have a properly executed and/or properly completed **MCS-90/MCS-90B** or **MCS-82/MCS-82B**; or

- (5) The policy of insurance or surety bond is furnished by an insurer or surety not authorized to issue such policies or bonds in the motor carrier's State of domicile. NOTE: The State Insurance Commission will have a list of the companies authorized to do business in the State.

10. INTRASTATE CARRIERS

- a. The **MCA 1980** brings some intrastate carriers, who have no interstate operations, under the jurisdiction of the **FHWA** for the first time. Transportation of certain hazardous materials, as set forth in Section **387.9**, makes an intrastate carrier subject to the Federal financial responsibility regulations. When a carrier is suspected of transporting commodities which would make it subject to the financial responsibility regulations, the appropriate safety specialist will send a letter advising the carrier that it could be subject to the regulations. A specimen letter for this purpose is shown in Attachment **G**. Attach to the letter a **MCS-150**. The return of the completed **MCS-150** will indicate to the staff member whether a trip to the carrier's office will be necessary. The staff member is to make arrangements to visit the offices of intrastate carriers transporting hazardous materials and located in his/her assigned territory, to determine if the motor carriers' operations are subject to the financial responsibility regulations and if so, to examine the motor carriers' insurance documents to determine if the motor carriers' have the required minimum level of financial responsibility coverage.
- b. Intrastate carriers subject to the financial responsibility regulations will be entered into the motor carrier census as soon as practicable, using the **MCS-151** Part A following the same procedures as are applicable to other carriers after they are identified.

11. FOREIGN MOTOR CARRIERS

- a. All vehicles, subject to the financial responsibility regulations as specified in Section **387.9** and **387.33**, operated within the United States by a motor carrier domiciled in a contiguous foreign country, shall have on board a legible copy, in English, of the proof of the required financial responsibility (**MCS-90/MCS-90B**, **MCS-82/MCS-82B** or for Canadian carriers, ICC authorization of **self-insurance**).
- b. Any foreign motor vehicle, checked at a border crossing, not having the prescribed proof of financial responsibility shall be denied entry into the United States by the safety specialist. The assistance of the U.S. Customs Service personnel is to be requested, if needed.
- c. When a foreign vehicle is checked at a border crossing for the sole purpose of examination for evidence of financial responsibility coverage, a **MCS-63** is to be prepared to document this action. In field **12**, enter the three digit special study number "**387**."
 - (1) If the motor carrier is in compliance, enter the letters "**NO**" in the first two spaces, in field **37**, as a no violation identification code. Enter "complies with financial responsibility requirements" in the space provided for a description of violation.
 - (2) If the vehicle is in noncompliance because:
 - (a) It does not have on board a legible copy, in English, of a **MCS-90/MCS-90B**, **MCS-82/MCS-82B** or ICC authorization to **self-insure**, enter the violation identification code "**387.7F**" (for motor carriers of property) and "**387.31F**" (for motor carriers of passengers). Describe the violation as "No proof of financial responsibility, in English, carried on vehicle."

- (b) The amount of financial responsibility coverage is less than the required amount, enter the violation identification code "387.7F" (for motor carriers of property) and "387.31F" (for motor carriers of passengers). Describe the violation as "Insufficient financial responsibility coverage."
- d. The MCS-63's that are completed to document examinations for the sole purpose of enforcing financial responsibility requirements for foreign carriers are not to be included as Driver-Vehicle Examinations on the MCS-85. The count for this work is to be included on the MCS-85 in Item 105, Special Projects. On the back of this form, record the number of MCS-63's prepared for vehicles in compliance and for vehicles denied entry into the United States.
- e. A driver-vehicle examination of a foreign vehicle at any location is to include a check for proof of financial responsibility on board the vehicle. Failure to have the required proof will be recorded as a violation on the MCS-63. If at a location other than a border crossing, no further action will be taken with respect to this violation at the time of the inspection. Enforcement action may be initiated later. The special study number is not to be recorded on the MCS-63 when the vehicle is also safety inspected.

12. COMPLAINTS

- a. Most complaints and inquiries from the public about financial responsibility will result from the complainant's inability to obtain action from a motor carrier subsequent to an accident. Safety Specialists will provide reasonable assistance to such persons.
- b. It is essential that the information provided by the complainant includes the exact date in which they are interested, since carriers may change coverage from time to time.
- c. Complaints and inquiries should be submitted in writing, particularly if the matter involves a carrier domiciled in an area other than that of the office receiving the submission.

- d. Upon receipt of a complaint or inquiry involving a carrier domiciled outside its area of jurisdiction, the safety specialist will refer the matter to the office having jurisdiction over the area in which the carrier is domiciled, through the appropriate Regional office(s).
- e. If the complaint is, that the insurance company has denied liability or offered an unacceptable settlement, the complainant should be advised that the State insurance commission may be able to help. It should be pointed out that the Department has no authority to adjudicate claims. Safety specialists should not offer suggestions as to an appropriate course of action.
- f. Each Officer-in-Charge/State Director should determine the State agency or agencies which administer the financial responsibility requirements. Persons inquiring or complaining about an intrastate operation not subject to the Federal financial responsibility regulations shall be referred to the appropriate State agency.
- g. Safety specialists shall not express an opinion as to either fault or liability in an accident which has triggered a complaint about financial responsibility. If the inquirer seeks an opinion, safety specialists should advise them that the FHWA rules prohibit safety specialists from giving opinions in such matters without a specific authorization from Headquarters.

13. CARGO INSURANCE

- a. The financial responsibility regulations under the jurisdiction of the Department of Transportation do not extend to loss of, or damage to, the cargo which the motor carrier is transporting.
- b. The ICC administers and enforces the cargo insurance requirements applicable to certificated carriers.

SCHEDULE OF LIMITS
Public Liability

Type of Carriage	Commodity Transported	Minimum Insurance
(1) For-hire (in interstate or foreign commerce).	Property (nonhazardous).	\$ 750,000
(2) For-hire and Private (in interstate, foreign, or intrastate commerce).	Hazardous substances transported in cargo tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquefied compressed gas or compressed gas; or highway route controlled quantity radioactive materials.	5,000,000
(3) For-hire and Private (in interstate or foreign commerce: in any quantity) or (in intrastate commerce: in bulk only).	Oil and hazardous waste, hazardous materials and hazardous substances.	1,000,000
(4) For-hire and Private (in interstate or foreign commerce).	Any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route controlled quantity radioactive materials.	5,000,000

Note: The type of carriage listed under (1), (2), and (3) applies to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

SCHEDULE OF LIMITS
Public Liability

For-hire motor carriers of passengers operating in interstate or foreign commerce

Vehicle Seating Capacity	Minimum Insurance
(1) Any vehicle with a seating capacity of 16 passengers or more.	\$ 5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.	1,500,000

ATTACHMENT B

**ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980**

Form Approved
OMB No. 2125-0074

Issued to _____ of _____

Dated at _____ this _____ day of _____, 19 _____

Amending Policy No. _____ Effective Date _____

Name of Insurance Company _____

Telephone Number (_____) _____ . Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "X", for the limits shown:

- ☐ This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.
- ☐ This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Highway Administration (FHWA) or the Interstate Commerce Commission (ICC), the company agrees to furnish the FHWA or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FHWA or the ICC, to verify that the policy is in force as of a particular date.

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, DC.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

MOTOR VEHICLE means a land vehicle, machine, truck, tractor, trailer, or semitrailer propelled or drawn by mechanical power, and used on a highway for transporting property, or any combination thereof.

BODILY INJURY means injury to the body, sickness, or disease to any person, including death resulting from any of these.

ENVIRONMENTAL RESTORATION means restitution for the loss,

damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

PROPERTY DAMAGE means damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Highway Administration (FHWA) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation

thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately, to each accident, and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The Motor Carrier Act of 1980 requires limits of financial responsibility according to the type of carriage and commodity transported by the motor carrier. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.

THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE.

The limits shown in the schedule are for information purposes only.

Form MCS-90

ATTACHMENT C

**ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982**

Form Approved
OMB No. 2125-0518

Issued to _____

Dated at _____ this - d a y o f _____, 19 _____

Amending Policy No. _____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "☒", for the limits shown:

☐ This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Highway Administration (FHWA) or the Interstate Commerce Commission (ICC) the company agrees to furnish the FHWA or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FHWA or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is: _____

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which results in Public Liability which the insured neither expected nor intended.

BODILY INJURY means injury to the body, sickness, or disease to any person, including death resulting from any of these.

MOTOR CARRIER means for-hire carrier of passengers by motor vehicle.

PROPERTY DAMAGE means damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury or property damage.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a for-hire motor carrier of passengers, with Section 18 of the Bus Regulatory Reform Act of 1982 and the rules and regulations of the Federal Highway Administration (FHWA) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Section 18 of the Bus Regulatory and Reform Act of 1982 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or properly transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation

thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately, to each accident, and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The Bus Regulatory Reform Act of 1982 requires limits of financial responsibility according to vehicle seating capacity. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.

THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE.

The limits shown in the schedule are for information purposes only.

Form MCS-203

ATTACHMENT D

Form Approved
OMB No. 2125-0075US Department
of Transportation

Federal Highway
AdministrationMOTOR CARRIER PUBLIC LIABILITY SURETY BOND
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980**PARTIES**Surety Company and Principal
Place of Business AddressMotor Carrier Principal, ICC Docket No..
and Principal Place of Business Address

_____	_____
_____	_____
_____	_____
_____	_____

PURPOSE

This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability and property damage, and environmental restoration liability claims in the sums prescribed herein, subject to the governing provisions and following conditions.

GOVERNING PROVISIONS

- (1) Sections 29 and 30 of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note)
 (2) Rules and Regulations of the Federal Highway Administration (FHWA)
 (3) Rules and regulations of the Interstate Commerce Commission (ICC)

CONDITIONS

The Principal is or intends to become a motor carrier of property subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety on each motor vehicle subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 shall not exceed \$ _____ and shall be a continuing one notwithstanding any recovery thereunder.

The Surety agrees, upon telephone request by an authorized representative of the FHWA or ICC, to verify that the surety bond is in full force as of a particular date. The telephone number to call is: (_____) _____. This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof or notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, DC.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability or property damage claims resulting from accidents which occur after the termination of this bond described herein, but such termination shall not affect the liability of the Surety from the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

Date

(AFFIX CORPORATE SEAL)

surety

City

State

ACKNOWLEDGMENT OF SURETY

STATE OF _____ COUNTY OF _____

On this _____ day of _____, 19 _____, before me personally came _____ who, being by me duly sworn, did depose and say that he resides in _____: that he is the _____ of the _____

the corporation described in and which executed the foregoing instrument: that he knows the seal of said corporation: that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for and on behalf of said corporation.

(OFFICIAL SEAL)

 Title of official administering oath
 Surety Company File No. _____

Form MCS-82
(11-83)

US Department
of Transportation
Federal Highway
AdministrationMOTOR CARRIER PUBLIC LIABILITY SURETY BOND
UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982PARTIESSurety Company and Principal
Place of Business AddressMotor Carrier Principal, ICC Docket No..
and Principal Place of Business Address

_____	_____
_____	_____
_____	_____
_____	_____

PURPOSE

This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability and property damage claims in the sums prescribed herein, subject to the governing provisions and following conditions.

GOVERNING PROVISIONS

- (1) Section 18 of the Bus Regulatory Reform Act of 1982
 (2) Rules and Regulations of the Federal Highway Administration (FHWA)
 (3) Rules and regulations of the Interstate Commerce Commission (ICC)

CONDITIONS

The Principal is or intends to become a motor carrier of passengers subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability or property damage claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for each motor vehicle subject to the applicable governing provisions for each accident shall not exceed \$ _____ and shall be a continuing one notwithstanding any recovery thereunder.

The Surety agrees, upon telephone request by an authorized representative of the FHWA or ICC, to verify that the surety bond is in full force as of a particular date. The telephone number to call is: (_____) _____.

This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability or property damage claims resulting from accidents which occur after the termination of this bond described herein, but such termination shall not effect the liability of the Surety from the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

Date

(AFFIX CORPORATE SEAL)

Surety_____
City_____
State

By _____

ACKNOWLEDGMENT OF SURETY

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 19_____, before me personally came _____ who, being by me duly sworn, did depose and say that he resides in _____; that he is the _____ of the _____

the corporation described in and which executed the foregoing instrument; that he knows the seal of said Corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for and on behalf of said corporation.

(OFFICIAL SEAL)

Title of official administering oath
Surety Company File No. _____Form MCS-82B
(11-83)

ATTACHMENT F

INTERSTATE COMMERCE COMMISSION

DECISION

DOCKET NO. MC- (number)

/Carrier Name)

(City, State)

APPLICATION TO BE A SELF-INSURER

Subject to certain conditions, applicant is authorized to **self-insure** its **BI&PD** and cargo liability.

Decided: (month/date/year)

(Carrier name) seeks authority to self-insure its bodily injury and property damage (**BI&PD**) and cargo liability under **49 U.S.C. 10927** and **49 C.F.R. 1043.5**. (Carrier name), holds authority as a motor common carrier to transport general commodities (except classes A and B explosives, household goods and bulk commodities,) over irregular routes between points in the United States (except Alaska and Hawaii.)

(Carrier name) operates from its corporate Headquarters in (city, state) and from its terminal in (city, state). (Carrier name) intends to maintain an additional facility in (city, state). The company operates (number) tractors and (number) trailers. (Number) of the tractors are company-owned and the remaining (number) are leased from owner-operators. (Carrier name) owns all of the trailers. (Owner/ President) owns (Carrier name); they also own both (carrier name and carrier name). (Carrier name) has Commission authority to self-insure all of its operations and (carrier name) is an equipment leasing company.

(Carrier name) is required to maintain **BI&PD** security in the amount of **\$1** million and cargo security in the amount of **\$5,000** per vehicle, **\$10,000** aggregate. Applicant currently has on file and in effect the requisite coverage. (Carrier name) seeks approval to self-insure bodily injury and property damage claims to the extent of the **\$1** million statutory requirement and to self-insure cargo liability. (Carrier name) states that if it is allowed to self-insure, it will obtain an insurance policy to provide excess coverage for itself and (carrier name) on a combined basis.

In support of its application, (carrier name) has provided financial data showing the results of its operations for the three previous years. "A summary of financial condition's follows."

ATTACHMENT G

Dear Sir:

Members of the Office of Motor Carriers staff have noted that your company is apparently engaged in the transportation of commodities which make it subject to the financial responsibility provisions of Sections **29** and **30** of the Motor Carrier Act of **1980**. The regulations promulgated under this authority can be found at **49 CFR 387**.

All motor carriers, including those engaged only in intrastate commerce, that transport hazardous materials, hazardous substances, or hazardous wastes, in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of **3,500** water gallons; or in bulk Class A or B explosives, poison gas (Poison **A**), liquefied compressed gas, or compressed gas; or large quantity radioactive material, in vehicles having a gross vehicle weight rating of **10,000** pounds or more, or any combination thereof must comply with the Federal Minimum Levels of Financial Responsibility for Motor Carriers. Failure to comply with the regulations may subject a motor carrier to civil penalties of as much as **\$10,000** for each day of operation.

It would be appreciated if you would complete the enclosed questionnaire which would provide the Office of Motor Carriers a better understanding of your firm's operations without the need for a personal interview at this time. When the form is folded and taped, it becomes a stamped, self-addressed envelope suitable for mailing.

If you have any questions or desire further information or explanation, please contact me at the address shown above.

Sincerely yours,

Enclosure



U.S. Department
of Transportation

**Federal Highway
Administration**

Motor Carrier Training Manual

Volume 2-Compliance

Chapter 6-Noise Emission Measurements: Interior and Exterior

- Par. 1. Purpose
2. Authority
3. State and Local Government Participation
4. Information Common to Interior and Exterior Sound Tests
5. Vehicles Excluded from Noise Emission Measurements
6. Calibration of Sound-Level Meter, Model **1565-B**
7. Form **MCS-138**, Record of Sound-Level Calibration
8. Interior Noise Measurement
9. Ambient Conditions - Stationary and Highway Operations
10. Noise Measurement Set-Up Check
11. Exterior Sound Measurement - Pass-By
12. Exterior Sound Measurement - Stationary
13. Sound Measurements at Nonstandard Test Sites
14. Form **MCS-141**, Noise Level Compliance Check
15. Distribution of Form **MCS-141**
16. Manufacturer's Calibration of Sound Level Measurement Systems

Referenced Attachments

- Attachment A - Form **MCS-141**: Noise Level Compliance Check
Attachment B - Form **MCS-138**: Record of Sound-Level Calibration
Attachment C - Sample **GenRad** "Certificate of Traceability" with Data Sheet

1. PURPOSE. The program of exterior vehicle noise measurements was established to help protect the environment from noise pollution by: identifying vehicles emitting noise in excess of the maximum permissible noise emission levels, requiring those vehicles be repaired to bring them into compliance with the regulations, and to make the motor carrier industry aware of the enforcement of the noise regulations in order to achieve voluntary compliance.

The interior noise level standards are intended to aid in the protection of drivers' hearing.

2. AUTHORITY

- a. Interior Noise Levels. The Office of Motor Carriers (OMC) added Section 393.94 to the Federal Motor Carrier Safety Regulations (FMCSRs) through its rulemaking procedures, effective April 1, 1974, with respect to vehicles in use. This section established maximum permissible interior sound levels for vehicles or carriers subject to the FMCSRs.

[38 FR 30881, Nov. 8, 1973, as amended at 40 FR 32336, Aug. 1, 1975; 41 FR 28268, July 9, 1976]

- b. Exterior Noise Levels. The Exterior Noise Level Standards were established by the Environmental Protection Agency (EPA). The Federal Highway issued the enforcement procedures for the EPA standards by amending Chapter III, Title 49 CFR, by adding Part 325 - Compliance With Interstate Motor Carrier Noise Emission Standards. The rules in this part, effective October 15, 1975, established the procedures for measuring the exterior sound levels for vehicles of carriers subject to the regulations.

Authority: Sec. 18, 86 Stat. 1234, 1249-1250
(42 U.S.C. 4917)

Source: 40 FR 42437, Sept. 12, 1975, unless otherwise noted.

3. STATE AND LOCAL GOVERNMENT PARTICIPATION

- a. As part of the overall Federal effort to reduce commercial vehicle noise levels, it is recognized

that enforcement by State and local governments is absolutely essential to effectively implement the Federal standards.

- b. When existing State and local government noise emission regulations are in conflict with the "preemption" provisions of the Federal Noise Control Act, Section **18(c)** provides that those agencies that have not secured permission for special variance must apply the Federal regulations.

4. INFORMATION COMMON TO INTERIOR AND EXTERIOR SOUND TESTS

- a. The General Radio sound measuring equipment issued to **FHWA's OMC** field staff meets the equipment requirements specified in both the exterior and interior noise regulations and will be used exclusively for making the noise measurements contemplated in the regulations.
- b. Form **MCS-141**, Noise Level Compliance Check, is to be used exclusively for reporting the results of both the exterior and interior sound measurements. **A copy** of Form **MCS-141** can be found in Attachment A.
- c. Vehicle safety inspection sites are generally not compatible with the test site requirements for performing noise emission tests; therefore, the sound level measurements will ordinarily be made exclusive of vehicle safety inspections.
- d. Interior and stationary exterior sound-level measurements may be conducted simultaneously when field staff personnel are working in pairs as dictated by the circumstances.
- e. If the staff member is advised by the driver that the power unit is equipped with an on-off modulated fan clutch and that the fan is in operation, the driver will be allowed **10** minutes to cool the engine and disengage the clutch. If the fan clutch is not disengaged at the end of the 10-minute cooling-down period, the staff member will conduct the noise emission test(s) and record his/her findings.

5. VEHICLES EXCLUDED FROM NOISE EMISSION MEASUREMENTS

- a. Before selecting a vehicle for interior or stationary exterior noise tests, ask the driver if the engine is equipped with an engine governor. If it is not equipped with an engine governor, the staff member will not conduct a noise emission check to preclude the possibility of engine damage or personal injury,
- b. A visual inspection of the exhaust system of each candidate vehicle is to be made pursuant to Section **325.91**. If the exhaust system has any defects, deficiencies, alterations, etc., that would prevent it from effectively reducing engine noise, stationary exterior noise emission tests will not be conducted on the vehicle. This is to avert the possibility of testing and passing a vehicle with a defective exhaust system. Any violations found are to be entered under the "Findings" portion of the Form **MCS-141** as a specific violation.
- c. A visual inspection of the tires of each vehicle is to be made pursuant to Section **325.93** prior to making an exterior noise emission test. If the inspection discloses that any tire on which the vehicle is being operated has a tread pattern or configurations as described in this section, an exterior noise emission test will not be made. This is to eliminate the possibility of giving tacit approval of the operation of a vehicle which could generate a combination of tire and engine noise in excess of the maximum permissible sound level for highway operations. Violations are to be entered under the "Findings" portion of the Form **MCS-141** as specific violations.

6. CALIBRATION OF SOUND-LEVEL METER MODEL GR 1565-B

- a. Before calibrating a meter that has been modified by the manufacturer for pass-by testing, assemble the meter and remote microphone on tripods and connect with the **100-foot** extension cable. Other types of meters may be hand-held while testing.

- b. Check the battery reading on both the sound-level meter and the calibrator, before calibrating the sound-level meter.
- c. To calibrate the sound-level meter, the meter must have the "C" button firmly depressed to the C-weighting network "slow" meter response, with the Range Control turned to the **110-120 dB(C)** range setting.
- d. Turn the sound-level meter on and hold in an upright position. Place the coupler of the calibrator over the meter microphone and turn the calibrator on. If a meter reading of **114 dB(C)** is observed, no further adjustment is necessary. If a reading over or under **114 dB(C)** is observed, the staff member will turn the calibration adjustment screw in the sound-level meter until a reading of **114 dB(C)** is observed.
- e. After a correct calibration has been made, the staff member will return the sound-level meter Range Control to the **90-100 dB(A)** Setting, making sure the "A" button is firmly depressed to the A-weighting network "**fast**" meter response before conducting noise emission tests.
- f. When the sound-level meter has been in use for a period of at least **15** minutes, the staff member will make a second calibration of the meter. If no drift has occurred, and no further adjustment is required, then a calibration will be made once each hour thereafter during a continuous noise testing sequence. The observed **dB(C)** meter reading and the time of each calibration will be recorded by the staff member on Form **MCS-138**. A copy of Form **MCS-138** can be found in Attachment **B**.
- g. After the sound-level meter has been calibrated, the windscreen will be placed over the meter microphone as required by **49 CFR** Section **325.27**, and is to be used at all times when noise emission tests are conducted. The windscreen reduces the effect of wind or turbulence impinging on the microphone and protects the microphone diaphragm from dust or other airborne matter.

7. FORM MCS-138 - RECORD OF SOUND-LEVEL METER CALIBRATION

- a. The staff member will prepare Form **MCS-138** for each test site location when noise emission tests are conducted. Form **MCS-138** will be retained by the staff member for a period of at least **12** months from the date of any noise emission test performed. When an Enforcement Case Report with documentary evidence is prepared, citing violations of the Noise Emission Standards, Form **MCS-138** will be submitted as an exhibit to substantiate the accuracy of the **sound-level** meter at the **time** the noise emission test was conducted.
- b. The following information will be recorded on Form **MCS-138**:
 - (1) Sound-level meter serial number.
 - (2) Calibrator serial number.
 - (3) Location of test site.
 - (4) The **time** calibrations were made.
 - (5) Wind velocity, if exterior noise level check is being conducted.
 - (6) Reading on sound-level meter at time of calibration. If reading is other than **114 dB(C)**, indicate that calibration corrections were made.
 - (7) Name of staff member.
 - (8) Title of staff member.
- c. Although there are no provisions on the Form **MCS-138** for recording the **MCS-141** number, it is recommended that the staff member record, on the reverse side, all serial numbers of **MCS-141's** prepared on noise emission tests at that location.

8. INTERIOR NOISE MEASUREMENT

- a. This test measures the sound level generated inside the cab of a truck with the vehicle's engine stabilized at wide open throttle (maximum governed speed) and the vehicle stationary.

- b. The site, location of equipment, and the procedure for measurement of the interior noise level of a stationary vehicle is described in **49 CFR** Section **393.94(c)**.
- c. Auxiliary equipment designed to operate at vehicle speeds in excess of 5 m.p.h., such as the rotating mechanism for cement mixers, or a refrigeration unit on a reefer van, that are in operation during the test or come on during the test, will not be turned off during the noise measurement procedure.
- d. Operation of Sound **Measuring** Equipment - Interior
 - (1) Place the driver in his normal seated position at the vehicle's controls. Evacuate all occupants except the driver and the staff member conducting the test (the only exception to evacuating all occupants will be when the **co-**driver is sleeping in the sleeper berth).
 - (2) The sound-level meter must have the "**A**" button firmly depressed to the A-weighting network, "fast" meter response, with the Sound Level Range Control turned to the **90-100 dB** range setting when making the interior noise tests.
 - (3) In those instances where the meter pointer goes completely over to the **100 dB(A)** marking on the meter when making the noise level tests, the Sound Level Range Control will be turned to the **100-110 dB(A)** range setting in order to get a reading of the highest noise level. After the readings are recorded, the meter should be returned to the **90-100 dB(A)** range setting before conducting tests on another vehicle.
 - (4) When conducting the noise level tests, the meter will be held in a vertical upright position with the face of the meter toward the staff member. The top of the microphone will be located 6 inches from, on the same level as, and directly in line with, the driver's right ear. Special emphasis is placed on holding the meter in the correct position. Canting or tilting the meter, holding the top of the microphone at a higher or

lower level, or at a distance greater or lesser than **6** inches from the driver's ear can result in a difference of readings by **3** or **4 dB(A)**.

9. AMBIENT CONDITIONS - STATIONARY AND HIGHWAY OPERATION.

Exterior noise emission tests will not be conducted if ambient weather conditions exceed the minimum conditions described in Section **325.35** of the **FMCSRs**. Such adverse weather conditions do not necessarily preclude the taking of interior sound measurements.

10. NOISE MEASUREMENT SET-UP CHECK. When the staff member has set-up at a test site, before starting the noise emission tests, he/she should refer to the check list, and make the following determinations:

- a. Have the test area clear zone requirements been met?
- b. Have ambient sound-level requirements been met?
- c. Is test site ground contour appropriate (i.e., no adverse slopes, ditches, or embankments)?
- d. Have "hard"- "soft" site computations been made?
- e. Has the presence of reflecting objects been considered?
- f. Will ambient weather conditions permit noise emission tests?
 - 1 No high winds.
 - 2 No precipitation.
- g. Have microphone and vehicle distances been determined?
- h. Has microphone height relative to ground and roadway been determined?
- i. Is the battery check on the sound-level meter and calibrator O.K.?
- j. Is the calibration of the sound-level meter O.K.?

- k. Has the staff member recorded the sound-level meter reading at time of calibration and the measured wind velocity on Form **MCS-138**?
- l. Is staff member ready to measure noise emission levels?
- m. Is staff member making **recalibrations** of the **sound-level** meter and taking measured wind velocity readings at required intervals?

11. EXTERIOR SOUND MEASUREMENT - PASS-BY

- a. This test may be conducted by measuring the noise emission of a motor vehicle traveling through a measurement area in normal highway operation under any conditions of highway grade, vehicle load, **acceleration** or deceleration. Ideally, the test should be performed on a section of highway with a slight grade. The sound-level standard is based on a soft test site and the posted speed limit for the test area. The sound-level reading must be adjusted by any applicable microphone distance and/or ground correction factors..
- b. The site, location of equipment, and the procedure for measurement of noise emissions of vehicles in normal highway operation (pass-by tests) is described in **49 CFR** Sections **325.31** through **325.39**.
- c. Specialized equipment has been issued to each Region for conducting the highway pass-by noise tests. The microphone and sound-level meter are designed to be mounted on separate tripods and connected by a **100-foot** extension cable. This eliminates the problems involved with a hand-held sound measurement system. These sound-level meters have been calibrated by the manufacturer to compensate "Line Loss" in the extension cable and, when used with the remote microphone, will give a true reading.
- d. A plan-view diagram of a standard test site for **pass-by** tests is shown in Figure **1**, **49 CFR** Section **325.33(a)**. The standard test site is a "**soft**" site.

- e. Field staff personnel engaged in making pass-by noise tests are to keep a tally sheet on the total number of vehicles monitored. At the end of the test day, deduct the number of vehicles on which **MCS-141** Noise Level Compliance Check Forms were prepared. This count, together with the **MCS-141** Forms prepared for interior and exterior noise checks, will provide the Headquarters office with a count of the sum total of vehicle noise emission measurements made for a given period.

12. EXTERIOR SOUND MEASUREMENT - STATIONARY

- a. This test measures the sound level generated by a motor vehicle with the vehicle's engine at wide open throttle and the vehicle stationary. The sound-level standard is based on a hard test site. The sound-level reading must be adjusted for any applicable microphone distance and/or ground correction factors.
- b. The site, location of equipment, and the procedure for measurement of the sound level generated by a vehicle, when the vehicle's engine is rapidly accelerated from idle to governed speed at wide open throttle, with the vehicle stationary, is described in **49 CFR** Sections **325.51** through **325.59**.
- c. A plan-view diagram of a standard test site for stationary tests is shown in Figure 2, **49 CFR 325.53(a)(1)**. The standard test site is a "hard" site.

13. SOUND MEASUREMENTS AT NONSTANDARD TEST SITES

- a. An ideal test site will not always be available where needed and it may be necessary to use less desirable locales. Exterior measurements may be made at test sites which are "hard" and should be "soft" or vice versa, or at sites having vehicle/microphone distances other than **50** feet. Exterior noise measurements may be made at other than the standard test sites pursuant to the provisions of Subpart F of **49 CFR** Part **325**.
- b. Section **325.73** of **49 CFR** provides microphone distance correction factors. The correction factor is added to or subtracted from the observed sound-level reading to equate the reading to what it would have been had the measurement been made from a distance of **50** feet.

- c. Section **325.75** of **49 CFR** provides for ground surface correction factors to be applied to observed sound level reading to equate the reading to what it would have been had the measurement been made from a standard ground surface test site.
- d. The corrections referred to above are necessary to correct an observed reading at a nonstandard test site. If two correction factors apply to a measurement, they are applied cumulatively (i.e., the net difference or the sum of the two). Examples of the application of correction factors appear in **49 CFR, Section 325.79**.
- e. Sound-level measurements must be recorded in a uniform manner for statistical and other purposes; therefore, the maximum permissible noise levels (the noise level standards), must not be modified to conform to the conditions of a nonstandard test site. The sound-level reading actually generated by the motor vehicle at a nonstandard test site will be modified to the reading it would have generated if the measurement had been made at a standard test site. The correction factors on the Correction Factor Conversion Chart (the 3 by 5 inch card) issued with the sound measuring equipment are to be used exclusively for this purpose. The data on this card are a combination of Table 1 in Section **325.7** and the correction factors described in Subpart F of Part **325**.
- f. The maximum permissible noise emission levels referred to as the "noise level standards" established for the following types of noise measurements are:

Interior	90 dB(A)
Exterior Stationary	88 dB(A)
Exterior Pass By:	
35 m.p.h. or less	86 dB(A)
Above 35 m.p.h.	90 dB(A)

- g. The appropriate value shown above will always be entered as the noise level standard on Form **MCS-141** when recording the results of an interior or exterior noise check.

- h. Raw or unadjusted readings taken of vehicles at nonstandard test sites must not be recorded on Form **MCS-141**.
- i. There is presently no provision for making an interior noise measurement at a test site other than as described in the **49 CFR, Section 393.94(c)**.

14. FORM MCS-141, NOISE LEVEL COMPLIANCE CHECK

- a. Following are instructions for completion of Form **MCS-141**:
 - (1) Name of Carrier. Enter the full name of the carrier or entity operating the vehicle as determined from shipping documents, driver's record of duty status, vehicle registration, cab card, etc. If a leased vehicle, use the name of the lessee. Abbreviations are not to be used unless the proper legal name of the entity is abbreviated. Should there be a discrepancy in the use of the name on the various documents, try to determine, with the aid of the driver, the exact name of the entity performing the transportation.
 - (2) Street Address. In all cases, the full and correct street number and name shall be entered. Examine the vehicle registration or other papers and/or question the driver as to where the carrier's principal place of business is located. Where **P.O.** Box numbers are shown, ascertain the street name or otherwise "**pinpoint**" the location. If all efforts to obtain the street address are fruitless, enter a zero (0) in the space provided to indicate "**not available**."
 - (3) City and State. Enter the full name of the city or town, the two-letter State abbreviation and the ZIP code of the carrier's principal place of business.
 - (4) Inspection Site Data
 - (a) State Code. Show State in which testing site is located with two-letter State abbreviation.

- (b) Place of Test Site. Enter a brief description of the inspection location (i.e., Port of Entry, **I-35**, South Haven). In every case, include the name of the nearest city or town.
- (c) Date. Enter the date of inspection, using six digits (i.e., **05-09-78**); using leading zeros where applicable.
- (d) Time. Enter the local clock time at which the inspection was begun (i.e., **10:45** a.m., or **01:05** p.m.). Use leading zeros where applicable. DO NOT USE MILITARY TIME.
- (e) Time Standard. Enter the three-letter abbreviation for the time standard in effect at the time and location of the inspection (i.e., "EDT" for Eastern Daylight Saving Time, "**CST**" for Central Standard Time).

(5) Vehicle Description

- (a) Vehicle Unit. Enter the vehicle unit code, found on the Regulation Code System Guide, which describes the type of power unit being tested.
- (b) Make. Enter the appropriate two-letter symbol from the "Vehicle Make" list shown on the Regulation Code System Guide, for the power unit of the vehicle.
- (c) Year. Enter the model year for the power unit, using the last two numerals of the year (i.e., "**78**" for **1978**).
- (d) Company Number. Enter the identification number assigned to the power unit by the carrier, for carrier use. If no company number is assigned or displayed, enter zero (**0**) for "not available."

- (e) Own-Lease. Enter the single digit code found on the Regulation Code System Guide to indicate whether the power unit is owned by the carrier (1) leased for 30 days or more, (2) trip-leased for less than 30 days, or (3) equipment registered in the carrier's name is deemed to be "owned."
- (f) Number of Axles. Enter the number of axles on the power unit.
- (g) Cab Type. Show the type of cab by entering the appropriate symbol found on the Regulation Code System Guide (i.e., "CO" for cab-over-engine).
- (h) Sleeper Berth. Enter either "Y" for "yes," the power unit does have a sleeper berth, or "N" for "no," it does not have a sleeper berth.
- (i) Exhaust System
 - (1) Type. Enter "V" for vertical or "H" for horizontal..
 - (2) Number. Enter number of exhaust pipes.
- (j) Fan Clutch. Enter either "Y" for "yes" or "N" for "no".
- (k) Fuel Type. Enter "D" for diesel, "G" or gasoline, and "P" for propane or other liquefied petroleum gas.
- (l) Extra Spaces (Blocks 1 and 2). These spaces will be used to record data during special studies. In the interim, enter in Block 1, from the license plate on the power unit, the "license number and issuing State."

(6) Findings**(a) Visual Inspection (Exhaust System and Tires)**

1 **Exhaust System Fails to Effect Sound Reduction.** In space provided, explain the violation clearly and briefly. Check or circle the numeral **(1)**.

2 **Tire Violation.** In the space provided, explain the violation clearly and briefly. Check or circle the numeral **(2)**.

3 **Rectangle Containing Three Boxes (Exterior Noise Testing)**

a **1st Box.** Enter symbol for type of test: "**ST**" for stationary, "**LP**" for Low Speed, Pass-By (35 m.p.h. or less), and "**HP**" for High Speed, Pass-By (above 35 m.p.h.).

b **2nd Box.** Enter, in feet, the distance between microphone and microphone target point.

c **3rd Box.** Using a single letter code, indicate whether the test site was **(H)** hard or **(S)** soft.

(b) Exterior Noise Level

1 **Exterior Noise Level Reading Of.** Enter, in the blank space, in whole numbers, the average of the two highest noise level readings which are within 2 **dB(A)** of each other, corrected, when appropriate to compensate for a nonstandard test site.

- 2 Exterior Noise Level Standard. Enter in this blank space the maximum permissible sound level reading commensurate with the type of test being conducted. The noise level standards established for the following types of measurements are:
- a Exterior Stationary 88 dB(A)
- b Exterior Pass-By
35 m.p.h. or less 86 dB(A)
Above 35 m.p.h. 90 dB(A)
- 3 Complies with Standard. Check or circle the numeral 3 if the averaged exterior reading does not exceed the exterior noise level standard.
- 4 Does Not Comply with Standard. Check or circle the numeral 4 if the averaged exterior reading is more than the-exterior noise level standard, but does not exceed that standard by more than two (2) decibels.
- 5 Violation of Standard. Check or circle the numeral 3 if the averaged exterior reading is more than two (2) decibels in excess of the exterior noise level standard.

(c) Interior Noise Level

- 1 Interior Noise Level Reading Of. Enter in this blank space, in whole numbers, the average of the two highest noise level readings which are within 2 dB(A) of each other.
- 2 Complies with Standard. Check or circle the numeral 6 if the average interior reading is 90 dB(A) or less.

- 3 Does not **Comply** with Standard. Check or circle the numeral 7 if the interior reading is more than **90 dB(A)**, but does not exceed **92 dB(A)**.
- 4 Violation of Standard. Check or circle the numeral 8 if the averaged interior reading is in excess of **92 dB(A)**.
- (d) Remarks. Enter remarks necessary to explain **any** entries or lack of entries on this form **or** remarks that will help the motor carrier to identify and locate the cause of violations, etc.
- (e) Signature and Code Number
- 1 Copy Received By. Request the driver to sign the form in the place provided. Explain to the driver that Form **MCS-141** represents only a sound level check and does not include a safety inspection of the vehicle. Where violations or noncompliance are noted, inform the driver of the motor carrier's responsibility and instruct him to give his copy of the **MCS-141** to the motor carrier.
- 2 Inspected By - Code Number. Review all entries on Form **MCS-141** for completeness and correctness. Then enter your official signature and three-digit code number.
- (f) Note to Motor Carrier. Enter the address of the **FHWA's** Regional Office of Motor Carriers, where the carrier's principal place of business is located, in the space provided at the **bottom of** the form.

15. DISTRIBUTION OF FORM MCS-141

Distribution by Investigator		By Region	
	Complies With Standards	Does Not Comply or in Violation	
Original	Driver	Driver	
1st copy	To Wash. HQ Via Region	To Wash. HQ Via Region	To Wash. HQ From Region
2nd copy	To Region	To Region	To Division
3rd Copy	Destroy	Mail to Carrier+	To Division: After Certification

*Unless driver is the carrier

16. MANUFACTURER'S CALIBRATION OF SOUND LEVEL MEASUREMENT SYSTEMS

- a. When motor carrier noise enforcement cases are prepared citing violations of the Noise Emission Standards, the field staff member will have to substantiate the accuracy of the sound level measurement **system** at the time the noise emission tests were conducted. Section **325.25(a)(2)** of **49 CFR** requires the sound level measurement system to be checked periodically by its manufacturer, a representative of its manufacturer, or a person of equivalent special competence to verify that its accuracy meets the manufacturer's design criteria.
- b. All units are to be stored and secured at the Regional Offices of Motor Carriers. The sound level measurement systems (Sound-Level Meter and Calibrator) will be calibrated by the manufacturer when Region has need of the equipment. All manufacturer's calibrations will be conducted at the direction of the Federal Program Division (**HFO-10**).

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION BUREAU OF MOTOR CARRIER SAFETY NOISE LEVEL COMPLIANCE CHECK NO. 029801										1. NAME OF CARRIER _____ 2. STREET ADDRESS _____ 3. CITY AND STATE _____									
STATE CODE			PLACE OF INSPECTION					DATE / /		TIME : : AM PM		TIME STANDARD							
5. VEHICLE DESCRIPTION																			
Veh. Unit	Make	Year	Ch. No.	Dema. License	No. Axles	Cells Type	Sleepers	Exhaust Type	No.	Fan	Churn	Fuel Type	1.	2.					
6. FINDINGS																			
A. VISUAL INSPECTION (Exhaust System and Tires) 1 Exhaust system fails to effect sound reduction. Violation of standard (40 C.F.R. 325.01) Explain: _____ 2 Tire tread pattern composed primarily of unvented carries. Violation of standard (40 C.F.R. 325.03). Explain: _____																			
B. EXTERIOR NOISE LEVEL Exterior Noise Level Reading of _____ dBA. Exterior Noise Level Standard: _____ dBA. (40 C.F.R. 325.7) 3 Complies with Standard. 4 Does not comply with standard. Corrective action may be warranted. 5 Violation of standard. Corrective action required.																			
C. INTERIOR NOISE LEVEL Interior Noise Level Reading of _____ dBA. Interior Noise Level Standard: _____ dBA. (40 C.F.R. 333.04) 6 Complies with Standard. 7 Does not comply with standard. Corrective action may be warranted. 8 Violation of standard. Corrective action required.																			
7. REMARKS																			
1. COPY RECEIVED BY							INSPECTED BY				CODE NUMBER								
8. CERTIFICATE OF REPAIRMAN																			
I CERTIFY THAT ALL REPAIRS NECESSARY TO CORRECT THE DEFICIENCIES NOTED ABOVE HAVE BEEN SATISFACTORILY COMPLETED.																			
8. NAME OF SHOP (GARAGE)							10a. ADDRESS				10b. SIGNATURE OF REPAIRMAN DATE								
11. MOTOR CARRIER CERTIFICATION OF ACTION TAKEN																			
I CERTIFY THAT ALL VIOLATIONS NOTED UPON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS, AND THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS RELATING TO NOISE LEVELS.																			
12. SIGNATURE OF CARRIER OFFICIAL							12a. TITLE				12b. DATE								
NOTE TO MOTOR CARRIER: IF VIOLATIONS ARE NOTED THIS ENTIRE SHEET MUST BE RETURNED WITHIN 6 DAYS TO: FEDERAL HIGHWAY ADMINISTRATION, BUREAU OF MOTOR CARRIER SAFETY CITY _____ STATE _____ ZIP CODE _____																			
FOR MOTOR CARRIER'S RETURN TO FHWA WITHIN 15 DAYS																			

Form MCS-141
(8-76)

(ORIGINAL)

Attachment A
(cont'd)

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION BUREAU OF MOTOR CARRIER SAFETY										1. NAME OF CARRIER _____		
NOISE LEVEL COMPLIANCE CHECK NO. 029801										2. STREET ADDRESS _____		
										3. CITY AND STATE _____		
STATE CODE	PLACE OF INSPECTION					DATE	TIME	AM	TIME STANDARD			
5. VEHICLE DESCRIPTION												
Vehicle	Make	Year	Ch. No.	Owner	No. Axles	Chassis	Engine	Exhaust	No.	Fan	Fuel	1.
												2.
6. FINDINGS												
A. VISUAL INSPECTION (Exhaust System and Tires)												
<input type="checkbox"/> Exhaust system fails to effect sound reduction. Violation of standard (40 C.F.R. 325.51) Explain: _____												
<input type="checkbox"/> Tire tread pattern composed primarily of unvented carries. Violation of standard (40 C.F.R. 325.53). Explain: _____												
7. REMARKS												
B. EXTERIOR NOISE LEVEL Exterior Noise Level Reading of _____ dBA), Exterior Noise Level Standard: _____ dBA), (40 C.F.R. 325.7)												
<input type="checkbox"/> Complies with Standard.												
<input type="checkbox"/> Does not comply with standard. Corrective action may be warranted.												
<input type="checkbox"/> Violation of standard. Corrective action required.												
C. INTERIOR NOISE LEVEL Interior Noise Level Reading of _____ dBA), Interior Noise Level Standard: _____ dBA), (40 C.F.R. 325.54)												
<input type="checkbox"/> Complies with Standard.												
<input type="checkbox"/> Does not comply with standard. Corrective action may be warranted.												
<input type="checkbox"/> Violation of standard. Corrective action required.												
7. REMARKS												
COPY RECEIVED BY						INSPECTED BY			CODE NUMBER			
8. CERTIFICATE OF REPAIRSMAN												
I CERTIFY THAT ALL REPAIRS NECESSARY TO CORRECT THE DEFICIENCIES NOTED ABOVE HAVE BEEN SATISFACTORILY COMPLETED.												
NAME OF SHOP (GARAGE)						10a. ADDRESS			10b. SIGNATURE OF REPAIRSMAN DATE			
9. MOTOR CARRIER CERTIFICATION OF ACTION TAKEN												
I CERTIFY THAT ALL VIOLATIONS NOTED UPON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS, AND THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS RELATING TO NOISE LEVELS.												
SIGNATURE OF CARRIER OFFICIAL						12a. TITLE			12b. DATE			
NOTE TO MOTOR CARRIER: IF VIOLATIONS ARE NOTED THIS ENTIRE SHEET MUST BE RETURNED WITHIN 15 DAYS TO: FEDERAL HIGHWAY ADMINISTRATION, BUREAU OF MOTOR CARRIER SAFETY												
CITY _____ STATE _____ ZIP CODE _____												
FOR MOTOR CARRIER'S RETURN TO FHWA WITHIN 15 DAYS												

Form MCS-141,
(8-78)

(FIRST COPY) COPY FOR WASHINGTON, D.C.

Attachment A
(cont'd)

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION BUREAU OF MOTOR CARRIER SAFETY NOISE LEVEL COMPLIANCE CHECK NO. 029801										1. NAME OF CARRIER _____ 2. STREET ADDRESS _____ 3. CITY AND STATE _____									
STATE CODE			PLACE OF INSPECTION					DATE / /		TIME : PM		AM TIME STANDARD							
5. VEHICLE DESCRIPTION																			
Veh. Unit	Make	Year	Co. No.	Own. License	No. Axles	Cab Type	Sleepers	Exhaust Type	No.	Fan Chutch	Fuel Type	1.	2.						
6. FINDINGS																			
A. VISUAL INSPECTION (Exhaust System and Tires) <input type="checkbox"/> Exhaust system fails to effect sound reduction. Violation of standard (49 C.F.R. 325.91) Explain: _____ <input type="checkbox"/> Tire tread pattern composed primarily of unvented cavities. Violation of standard (49 C.F.R. 325.93). Explain: _____ _____																			
B. EXTERIOR NOISE LEVEL Exterior Noise Level Reading of _____ dB(A). Exterior Noise Level Standard: _____ dB(A). (49 C.F.R. 325.7) <input type="checkbox"/> Complies with Standard. <input type="checkbox"/> Does not comply with standard. Corrective action may be warranted. <input type="checkbox"/> Violation of standard. Corrective action required.																			
C. INTERIOR NOISE LEVEL Interior Noise Level Reading of _____ dB(A). Interior Noise Level Standard: _____ dB(A). (49 C.F.R. 325.94) <input type="checkbox"/> Complies with Standard. <input type="checkbox"/> Does not comply with standard. Corrective action may be warranted. <input type="checkbox"/> Violation of standard. Corrective action required.																			
7. REMARKS																			
COPY RECEIVED BY							INSPECTED BY				CODE NUMBER								
8. CERTIFICATE OF REPAIRMAN																			
I CERTIFY THAT ALL REPAIRS NECESSARY TO CORRECT THE DEFICIENCIES NOTED ABOVE HAVE BEEN SATISFACTORILY COMPLETED.																			
9. NAME OF SHOP (GARAGE)						10a. ADDRESS				10b. SIGNATURE OF REPAIRMAN DATE									
11. MOTOR CARRIER CERTIFICATION OF ACTION TAKEN																			
I CERTIFY THAT ALL VIOLATIONS NOTED UPON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS, AND THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS RELATING TO NOISE LEVELS.																			
1. SIGNATURE OF CARRIER OFFICIAL							12a. TITLE				12b. DATE								
NOTE TO MOTOR CARRIER: IF VIOLATIONS ARE NOTED THIS ENTIRE SHEET MUST BE RETURNED WITHIN 15 DAYS TO: FEDERAL HIGHWAY ADMINISTRATION, BUREAU OF MOTOR CARRIER SAFETY CITY _____ STATE _____ ZIP CODE _____																			
FOR MOTOR CARRIER'S RETURN TO FHWA WITHIN 15 DAYS																			

Form MCS-141,
88-703

(SECOND COPY) DMCS FIELD OFFICE

A-4

Attachment B

Form MCS-138 (9-75)			RECORD OF SOUND- LEVEL METER CALIBRATION		
METER SERIAL NO.			CALIBRATOR SERIAL NO.		
LOCATION OF TEST SITE:					
TIME	WIND VELOCITY		READING ON METER		
NAME	TITLE		DATE		



GenRad, Inc.

 300 Baker Avenue
 Concord
 Massachusetts 01742-2174
 508 369-4400

 Boston Line:
 617 648-7400
 Telex: 95-1037

CERTIFICATE OF TRACEABILITY

CUSTOMER:

REFERENCE:

DATE:

DATE CALIBRATION DUE:

CALIBRATION WORK RECORD NO. _____

This is to certify that the material listed below was tested in GenRad Laboratories on the date shown and was found to be within the limits and tolerances indicated in the GenRad ICC. published specifications at the date of purchase.

Working standards used for calibration are determined and maintained in terms of reference standards periodically certified, where applicable, by the National Bureau of Standards. A list of primary standards is attached (reference MIL-STD-45662A).

MODEL:	SERIAL NO:	DESCRIPTION:	TEST CONDITIONS:
			Ambient Temp. 72° Relative Humidity 40%
			Address of repair facility Same as above

REMARKS:

 AUTHORIZED SIGNATURE:

Attachment C
(cont'd)

GenRad, Inc.

300 Baker Avenue
Concord
Massachusetts 01742-2174
508 369-4400Boston Line:
617 648-7400
Telex: 95-1037

NOVEMBER 1, 1989

 * REFERENCE STANDARDS TRACEABLE TO N.I.S.T. PER MIL-STD-45662A *

CAPACITANCE
 CALIBRATION INTERVAL 1 YEAR

MFG.	TYPE	SERIAL #	VALUE	REPORT NO. N.I.S.T.	DATE OF LAST CALIBRATION
GenRad	1404-A	132	1000 pF	244243	6/29/89
GenRad	1404-B	514	100 pF	244243	6/29/89
GenRad	1404-C	899	10 pF	244243	6/29/89

INDUCTANCE
 CALIBRATION INTERVAL 5 YEARS

MFG.	TYPE	SERIAL #	VALUE	REPORT NO. N.I.S.T.	DATE OF LAST CALIBRATION
GenRad	1482-B	7009	100 uH	235975	11/07/85
GenRad	1482-E	1673	1 mH	243278	2/08/89
GenRad	1482-H	1683	10 mH	243278	2/08/89
GenRad	1482-L	1996	100 mH	241070	2/10/88
GenRad	1482-P	1415	1 H	244658	10/02/89
GenRad	1482-T	2059	10 H	243278	2/08/89

RESISTANCE
 CALIBRATION INTERVAL 1 YEAR

UFO.	TYPE	SERIAL #	VALUE	REPORT NO.	DATE OF LAST CALIBRATION
GenRad	1444	142	10 Kohm	244523	8/22/89

VOLTAGE
 CALIBRATION INTERVAL 6 MONTHS

MFG.	TYPE	SERIAL #	VALUE	REPORT NO. HONEYWELL	DATE OF LAST CALIBRATION
FLUKE	5100B	2520004	CALIBRATOR	8166017100008	7/20/89

Attachment C
(cont'd)

PAGE TWO

NOVEMBER 1, 1989

MICROPHONES
CALIBRATION INTERVAL 1 YEAR

MFG.	TYPE	SERIAL #	VALUE	REPORT NO. N.I.S.T.	DATE OF LAST CALIBRATION
Bruel Kjaer	4133	470792	Condenser	732/242780-89,D919	4/13/89
Bruel Kjaer	4133	470792	Condenser	732/424780-89,D919F1	4/13/89
Bruel Kjaer	4133	470792	Condenser	732/424780-89,D919F2	4/13/89
Tokyo Riko	MR103	7425	Condenser	732/243953-89,D927	5/25/89
Tokyo Riko	MR103	7485	Condenser	732/244236-89,D931	6/22/89
Tokyo Riko	MR103	74168	Condenser	732/244640-89,D938	8/29/89
Tokyo Riko	MR103	74167	Condenser	732/244637-89,D939	8/31/89

-----MN-----

ACCELEROMETER
CALIBRATION INTERVAL 1 YEAR

MFG.	TYPE	SERIAL #	VALUE	REPORT NO. ENDEVCO	DATE OF LAST CALIBRATION
Endevco	2217E	CY86	Accelerometer	6202-130	04/07/89

INDUCTIVE VOLTAGE DIVIDER
CALIBRATION INTERVAL 5 YEARS

MFG.	TYPE	SERIAL #	VALUE	REPORT NO. N.I.S.T.	DATE OF LAST CALIBRATION
GenRad	1493	247	N/A	235975	10/29/85

MECHANICAL GAGE BLOCK SET
CALIBRATION INTERVAL 2 YEARS

MFG.	TYPE	SERIAL #	VALUE	REPORT NO. EDMUNDS	DATE OF LAST CALIBRATION
PAW HOKE SQUARE	356-G		EDMUNDS	PO-336527	04/24/89

FREQUENCY

GenRad's frequency standard is a GenRad 1115 quartz-controlled precision reference oscillator. Performance is verified weekly by comparing Loran C Transmissions from Nantucket, at 100 KHz. which are maintained in reference to N.I.S.T. transmissions. Manual adjustments are made, as required, on the quartz secondary to keep it's frequency within $\pm 2 \times 10^{-10}$ of Loran C Transmissions.

CALIBRATION CONDITIONS

These REFERENCE STANDARDS are used to calibrate secondary and working standards in the GenRad standards lab which is maintained at 23 degree centigrade plus or minus 1 degree and 30 To 60 percent relative humidity.



U.S. Department
of Transportation

Federal Highway
Administration

Motor Carrier Training Manual

Volume **2-COMPLIANCE**

Chapter **7-SAFETY** REVIEWS (**SR**)

- Par. 1. Purpose
2. Authority
3. Objectives
4. **Safety Fitness Determination** Background
5. Introduction/Policy - Safety Review (**SR**)
6. Review Procedures - Safety Review (**SR**)
7. Completion of the **SR** form
8. Review Procedures/Completion of Forms -
Miscellaneous
9. Selective Compliance and Enforcement (**SCE**) Program
and Rating Background ;
10. Distribution **of** the **SR**

Referenced Attachments

- Attachment A - Definitions - Carrier Classifications
Attachment B - State Director (**SD**)/Officer-in-Charge (**OIC**)
Numbers and State Abbreviations
Attachment C - Sampling List - Safety Review (**SR**)
Attachment D - Completed Sample - Safety Review (**SR**)
Attachment E - Continuation Sheet - (CR)
Attachment F - A Guide to Determining Preventability of
Accidents
Attachment G - Flow Chart Schematic

1. PURPOSE. To prescribe guidelines, procedures, and background information for:
 - a. Determining safety ratings.
 - b. Conducting, preparing, and distributing safety reviews.
2. AUTHORITY TO INSPECT
 - a. Shippers of Hazardous Materials
 - (1) Authority to inspect the records of shippers of hazardous materials (**HM**) is set forth in **49 U.S.C. 1808(c)** which states: The Secretary may authorize any officer, employee, or agent to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to:
 - (a) The manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or distribution of packages or containers for use by any person in the transportation of **HM** in commerce; or
 - (b) The transportation or shipment by any person of hazardous materials in commerce.
 - (2) Any such officer, employee, or agent shall, upon request, display proper credentials.
 - b. Motor Carriers
 - (1) Authority to inspect equipment and records and to copy records is set forth in **49 U.S.C. 504(c)** which states: The Secretary, or an employee designated by the Secretary, may on demand and display of proper credentials:

- (a) Inspect the equipment of a carrier or lessor; and
- (b) Inspect and copy any record of:
 - 1 A carrier, lessor, or association; and
 - 2 A person controlling, controlled by, or under common control of a carrier, if the Secretary considers inspection relevant to that person's relation to, or transaction with that carrier.
- (2) Thus, the language permits authority to inspect all records of an interstate carrier. In addition, **49 U.S.C. 1808(c)** states that the records of intrastate **HM** carriers involving hazardous material moves are also subject to inspection. However, this authority may be limited by policy.
- c. Nuclear Facilities. A number of private companies operating nuclear facilities are shippers of radioactive material. In some cases they are also private carriers. When visiting these facilities, staff members may be denied access to either records or portions of the facilities on the grounds that they lack the required security clearance. They may be under the jurisdiction of the Department of Energy (DOE) or the U.S. Nuclear Regulatory Commission (NRC). Prior to scheduling a review, the staff member should contact the appropriate DOE or NRC office and ask if they would like to participate in the review or arrange for access to the restricted areas.

- d. Access Denied. In the event that any carrier or shipper denies a safety specialist permission to inspect property, equipment, or records after a request to do so and display of credentials has been made, the specialist shall neither attempt to pursue the issue further, nor make any comments to the business concerning its refusal, but shall communicate the facts through the **SD/OIC** to the appropriate Regional Director (**RDMC**) after leaving the carrier's or shipper's premises.

3. OBJECTIVES

- a. Establish a system to rate all motor carriers.
- b. Establish a system to provide ongoing education and technical assistance to carriers.
- c. Identify high risk motor carriers.

4. SAFETY FITNESS DETERMINATION - BACKGROUND

- a. Section **215** of the Motor Carrier Safety Act of **1984** mandates the Department of Transportation (DOT) to rate the safety fitness of all interstate motor carriers.
- b. Section **385.23** of the Federal Motor Carrier **Saafety** Regulations (**FMSCRs**) requires all unrated motor carriers to file a onetime short Motor Carrier Identification Report designated Form **MCS-150**. The purpose of the report is to identify previously unknown motor carriers operating in interstate or foreign commerce, to update the motor carrier census, to require the carrier to certify that it meets the safety fitness standard and to assist **FHWA** in prioritizing motor carriers for safety review contacts. A motor carrier that has received written notification of a safety rating by **FHWA** is not required to file the Motor Carrier Identification Report.

- c. The number of carrier contacts for states and individuals will be based, in part, on information received from the Motor Carrier Identification Report. This information, coupled with other information gathered on each carrier (i.e. **thru SAFETYNET** etc.) will be used to prioritize the order in which **SR** are scheduled. Once completed, the results of the **SR** will then establish the motor carrier's formal rating as well as determine what, or if further action is needed.

5. INTRODUCTION/POLICY-SAFETY REVIEW (SR)

NOTE: Conduct a **SR** only if the motor carrier has been engaged in interstate transportation at least once during the previous **365** days, unless otherwise directed by the regional office.

- a. The **SR** is both a rating and monitoring instrument designed to provide the field staff with a broad overview of the motor carrier's safety/compliance operation. The form, in part, consists of a questionnaire. The questions are structured to determine if the motor carrier has adequate systems or tracking programs in place to effect compliance with the **FMSCRs** and Hazardous Materials Regulations (**HMRs**). Thus, the answers to the questions will serve as indicators as to whether the carrier is effecting compliance.
- b. The **SR** can be used to provide ongoing educational and technical assistance to motor carriers. The results of the **SR** will be used by Washington Headquarters to establish a motor carrier's rating and to determine if the carrier should be entered into a selective priority grouping for further action (i.e. **CAPE**, **ETA**, and **SCE**).
- c. The **SR** is a four-part form **MCS-151 - Parts A, B, C, and D**.

- d. Part A is a multipurpose form that provides the background/introductory information for the review and is also to be used for adding, deleting, or updating carrier/shipper information in the Management Information System (MIS).
 - (1) The field staff shall update the census as soon as it is known that a carrier/shipper is conducting operations subject to the **FMSCRs** or **HMRs**. Part A shall be prepared to enter the carrier on the MIS.
 - (2) Staff members shall not delay forwarding whatever information is available about new carriers or shippers. Waiting until a carrier or shipper returns a form **MCS-150** unnecessarily slows down the census recording process. Each **RDMC** shall be responsible for ensuring that field personnel are in compliance with this policy. All region and some division offices have the capability to enter new carriers and shippers on the MIS as soon as they are discovered.
- e. The **MCS-151 SR** Part B is a questionnaire consisting of 75 questions (55 safety questions, 20 **HM** questions). The questions are structured to provide the reviewer with a systematic review of the carrier's safety/compliance operation. The answers to the questions will serve as indicators as to the effectiveness of compliance with the **FMSCRs** and **HMRs**. A "no" response to any question may negatively impact a carrier's rating/evaluation. A "yes" response will positively impact a carrier's rating/evaluation. A "N/A" response will have no effect.
- f. Part C provides information that shall be reviewed by **SDs/OICs**, regions, and Washington Headquarters' staff for evaluation and monitoring purposes.

- g. Until the rating of all motor carriers is accomplished, the **SR** may be announced. Appointments are encouraged when the practice increases efficiency. The **SR** is to be completed at the carrier's place of business.
- h. The **SR** is not to be performed on shippers or **intrastate HM** carriers. The CR is to be used for these types of reviews.
- i. In all reviews, Part **387** and Part **394** shall be **reviewed** with Field **53 - Accident Information** on Part C completed using all accident information in the compilation, not just DOT reportable accidents.
- j. Generally, specialists are to perform the **SR** on a group-by-group basis; i.e., Group I, Group II, Group III, etc., with little or no deviation. However, if a carrier has been discovered that meets the criteria of Group I, for instance, which is the group presently being reviewed and the carrier is not on the list, the specialist may add that carrier to the Group I listing, upon approval of the Regional Office, and perform a **SR**.

- k. Generally, all carriers that appear on the Group I, II, III, IV, and V listings forwarded to the field staff will be unrated carriers who have never had a prior review/audit. However, since the rating process did not commence until September 1, 1980, there may be a few carriers appearing on the list as unrated but were, in fact, audited prior to September 1, 1980. In these situations, a CR will be performed.
- l. In Volume 2, Chapter 3, of this manual, there are provisions which grant a 10 day grace period, for prosecution only, to motor carriers who do not have a properly executed MCS-90, MCS-82 or ICC self-insurance authorization. If the carrier submits a properly executed MCS-90/82 within 10 days showing the carrier had continuous coverage and is presently covered by the required level of insurance, prosecution can be waived. Do not hold the review awaiting the receipt of the MCS-90/82 within the 10 day period, but forward the review immediately to Washington Headquarters through Region upon completion. If the MCS-90/82 is received before the review is forwarded through channels, do not change the results of the review or forward the MCS-90/82 to Washington headquarters since compliance status is to be determined at the time of the review. It is the responsibility of each Region to ensure that carriers not forwarding the MCS-90/82 within the 10 day grace period are being expeditiously prosecuted. Enforcement action will be initiated against motor carriers which fail to produce within 30 calendar days, evidence of the applicable minimum level of financial responsibility.

6. REVIEW PROCEDURES - SAFETY REVIEW (SR)

- a. **Planning.** Review the carrier's field office file to become familiar with previous and current safety or compliance problems. Review technical assistance and enforcement resources that the Federal Highway Administration (**FHWA**), State, and local governments have expended to encourage the carrier to comply with the regulations. Note any training sessions that their personnel attended.
- b. **Opening Interview**
 - (1) Upon entering the business office, and after appropriate introduction, e.g., display of credentials, business card, etc., ask to speak to the carrier official who has knowledge of the entire operation, e.g., President, Vice President or General Manager, etc. If he/she is unavailable, ask for the individual in charge of safety. Explain to the official the purpose of the visit, that you will need to speak with individuals responsible for compliance with the **FMSCRs** and **HMRs**, and that various company records will be reviewed. Inform the individuals that the results of the review will be conveyed to the carrier in written form at the conclusion of the review and recommendations will be provided at that time.
 - (2) Begin inquiring about the type of business and nature of operation and obtain the information needed to complete Part A. (Reference pages **9-16.**)

c. Carrier Review

- (1) Begin questioning about the carrier's procedure for recording, reporting, and analysis of accidents. Obtain sufficient information to complete Part C Field 53. Identify and list drivers and vehicles that have been involved in accidents. These drivers and vehicles will be used for sampling during the review of Parts 391, 395, and 396 of the FMSCRs.
- (2) Question carrier personnel concerning the carrier's procedure for driver selection, qualification, and training. Inquire about the carrier's procedures for controlling drivers' excess hours, falsification, and vehicle defect violations. See Attachment C.

d. Carrier Sampling

- (1) Attachment C, Sampling List, details items that must be reviewed during the SR. Once the information needed to complete Part A is obtained during the opening interview and the required accident information for Part C is obtained, the specialist shall begin sampling those items listed in Attachment C, placing emphasis on drivers and vehicles which were involved in accidents.
- (2) Once the sampling has been completed, the specialist is to answer as many questions as possible on Part B.

e. Concluding the Review

- (1) The balance of unanswered questions on Part B should be discussed and answered during the closeout interview.

- (2) Conduct the closeout session with an owner or corporate officer. If neither are available, discuss the review with the most appropriate person. If the individual is not in a responsible management level position, obtain his/her signature, leave a copy of the report, and advise them that another copy of the report will be mailed to the owner or other high-ranking corporate official.
- (3) The closeout session enables the specialist to accomplish a number of objectives as follows:
 - (a) Results of the review shall be discussed, and the carrier informed that the safety rating will be forwarded from Washington Headquarters within **60** days;
 - (b) Educational and technical assistance can be provided;
 - (c) Recommendations to improve compliance can be presented;
 - (d) Commitments to improve compliance shall be obtained; and
 - (e) Officials are given an opportunity to clarify any misunderstandings concerning the regulations and to offer mitigating reasons for the noncompliance.
 - (f) Any information relevant to the above objectives which could influence a carrier's evaluation or influence the course of action taken following the completion of the review should be discussed in block **60** provided in Part C and on as many additional CR continuation sheets (see Attachment **E**) as necessary.

- (4) When the closeout session has concluded, both the specialist and the highest ranking carrier official in the session should sign, with appropriate title, Part A. The same carrier official should sign and enter title on page **B1** of Part **B**. Copies of only these parts (A and B) are to be given to the carrier representative. The fact that enforcement action is being contemplated does not negate this policy.
- (5) If the official refuses to sign the report after being tactfully advised that the signature constitutes only a receipt for the report, it shall be mailed to the company by certified mail, return receipt requested. **Do not leave the SR with him/her at that time.**

7. COMPLETION OF THE SR FORM

a. Part A - Carrier/Shipper Identification

Beneath the DOT logo in the upper left hand corner, circle "safety" for safety review. Also circle either "carrier" or "shipper" or both "carrier/shipper" as appropriate.

Note: ALL OTHER FIELDS SHOULD **HAVE** ENTRIES, ZEROS, OR BE LINED **THRU**, AS APPLICABLE to indicate the **specialist did not overlook a field.**

Field 1 - Document Number

Leave blank. This field is completed in Washington Headquarters by MIS.

Field 2 - Carrier Census Number

- (a) Circle **N**, "new," when adding a new carrier to the census. Circle **U**, "update," when conducting a review of a carrier already assigned a census number. Circle **D**, "delete," when removing a carrier from the census.
- (b) Enter the census number assigned to the carrier as listed on the latest carrier census printout. If **no census** number has been issued, enter I?, for "pending."

Field 3 - Shipper Census Number

Follow field **2a** and b instructions, substituting the word "shipper" for "carrier."

Field 4 - Name of Motor Carrier/Shipper

Enter the correct name of the legal entity as it appears on the motor carrier and/or shipper census. In the case of a corporation, obtain the exact legal name from a responsible official, State records, etc. Do not list surname first.

In the case of individuals or corporations who are doing business under a "trade name," enter the trade name first, and after it enter the name of the individual or corporation. For example, if John Jones is doing business as "JJ Trucking," enter this in the space provided as "JJ Trucking" (John Jones **DBA**).

If possible, enter the name in a single line. Do not type or print one line on top of the other. Entering the name on one line assists in locating duplications of the carriers and shippers that are improperly alphabetized in the census system.

When a carrier or shipper undergoes a reorganization, i.e., an individual proprietorship expands into a corporation, the old census number should be retained. If the name is changed, circle "change". If two companies merge, circle "merge". If the carrier's name is incorrectly listed on the census, circle "correction". Otherwise, no marking is needed in this part of Field 4.

Field 5 - First Locator (L1)

Locator name should correspond with the carrier's legal name. Omit spaces and punctuation except the "&" symbol and limit to 17 characters.

Example: Strider Brothers Trucking
L1 - StriderBrothersTr

Example: Jones Trucking (Fresh Fish Tankers dba)
L1 - JonesTrucking

Example: Lionel & Josephus Freight and Hauling
L1 - Lionel&JosephusFr

Field 6 - Second Locator (L2)

Limit L2 to 17 characters. Omit spaces and punctuation. The purpose of L2 is to assist a searcher on the MIS in finding a carrier when information contained in L1 is incomplete or limited.

Example: Jones Trucking (Fresh Fish Tankers dba)
L1 - JonesTrucking
L2 - FreshFishTankers

Example: Arkansas Best Freight Systems
L1 - ArkansasBestFr
L2 - ABFSystems

Example: St. Johns Trucking
L1 - StJohnsTrucking
L2 - SaintJohnsTruckin

Example: 66 Trucking
L1 - 66Trucking
L2 - SixtySixTrucking

Example: Eastern Texas Motor Freight
L1 - EastTexasMotorFre
L2 - ETMF

Field 7 - Street Address (Physical)

Enter the principal office street address where, except in cases involving divided record authority, all safety records of carriers will be made available for inspection or, in the case of shippers, the corporate headquarters. Many businesses maintain a post office box and a street address where their offices are located. The street address, if known, should be the information entered in this space to aid field personnel in locating the carrier or shipper's office, and its **P.O.** Box address included to assure delivery of any mail sent to the carrier or shipper.

Field 8 - Principal Office City (Physical)

List the city where the carrier's principal place of business is located. In the case of a shipper, list the city where the corporate headquarters is located.

Field 9 - County (Physical)

Enter the three-numeral code for the county in which the principal office is located. Each **SD/OIC** is to distribute to all specialists a listing of county codes for their respective States.

Field 10 - State (Physical)

Enter the two-letter abbreviation for the State in which the principal office is located. (See Attachment **B.**) For carriers or shippers domiciled in Canadian Provinces or Mexican States, use the following abbreviations:

CANADA

AB Alberta	NS Nova Scotia
BC British Columbia	ON Ontario
MB Manitoba	PE Prince Edward Island
NB New Brunswick	PQ Province of Quebec
NF New Foundland	SK Saskatchewan
NT Northwest Territories	YT Yukon Territory

MEXICO

AG Aguascalientes	MR Morelos
BN Baja California Norte	NA Nayarit
BS Baja California Sur	NL Nuevo Leon
CP Campeche	OA Oaxaca
CS Chiapas	PU Puebla
CI Chihuahua	QE Queretaro
CH Coahuila	QI Quintana Roo
CL Colima	SL San Luis Potosi
DF Distrito Federal	SI Sinaloa
DG Durango	SO Sonora
GJ Guanajuato	TB Tabasco
GE Guerrero	TA Tamaulipas
HD Hidalgo	TL Tlaxcala
JA Jalisco	VC Veracruz
MX Mexico	YU Yucatan
MC Michoacan	ZA Zacatecas

American Possessions or Protectorates have been assigned the following abbreviations:

GU Guam	AS American Samoa
PR Puerto Rico	VI Virgin Islands

Field 11 - Zip Code (Physical)

Enter the zip code number corresponding to the carrier's or shipper's street address.

Fields 12, 13, 14, 15, and 16 - Address (Mailing)

Some carriers receive their mail at a location other than their principal place of business. Since safety ratings, for instance, are to be mailed from Washington Headquarters upon completion of the **SR**, it is imperative that the mailing address be completed in addition to the physical location address. Complete Fields **12, 13, 14, 15, and 16** accordingly. If the physical location is where the mail is delivered, line through Fields **12-16**.

Field 17 - Region

Enter the single numeral designating the **FHWA** Region in which the physical principal place of business is domiciled. Region **10** is entered as "**10.**"

Field 18 - SD/OIC Number

Enter the two-numeral code for the **SD/OIC** having jurisdiction over the carrier or shipper. (See Attachment **B.**)

Field 19 - Territory

Enter the alphabetical letter(s) assigned to the territory in which the business is domiciled. Each **SD/OIC** is to provide the specialists with this information.

Field 20 - Principal Phone Number

Self explanatory.

Field 21 - ICC Docket Numbers

- (a) List the primary Interstate Commerce Commission (ICC) number assigned the motor carrier.
- (b) List the secondary ICC number assigned to the motor carrier.

Field 22 - Classification

Circle one or more as appropriate. (See Appendix A for definitions). If "other" is circled, describe the operation in the space provided.

Field 23 - Carrier Operation

Circle one or more as appropriate. Circle letter **B**, if the carrier is an intrastate carrier and is **only** subject to the financial responsibility requirements contained in Part 387 of the **FMSCRs**.

Field 24 - Shipper Operation

Circle one or more as appropriate.

Field 25 - Business Organization

- (a) Circle the appropriate letter.
- (b) If the business is a corporation, enter the **two-** letter abbreviation for the State of incorporation.
- (c) Enter the year of incorporation.

Field 26 - Principal Cargo Name

Print the principal cargo name transported by the motor carrier or shipped by the shipper. This cargo name may or may not fall into one of the cargo classifications in Field 27.

Field 27 - Cargo Classifications

Circle one or more as appropriate. If Z, "other," is circled, enter the other commodity in the space provided.

Fields 28, 29, 30, and 31 - Reserved

Leave blank until further instructions are issued.

Field 32 - Hazardous Materials Carried/Shipped

Circle the letters A-U which indicate the types of **HM** either shipped or transported. Circle C if the **HM** is carried, circle S if the **HM** is shipped, circle both C and S if the **HM** identified is carried and shipped. In the columns following the **HM** designations, circle either T if the **HM** is carried/shipped in cargo tanks or P if the material is carried/shipped in other packages. This information is also to be shown for intrastate carriers subject to the financial responsibility requirements of Part 387 of the **FMSCRs**.

Fields 33 and 34 - Gross Revenue/Dates of Revenue

The completion of these Fields is optional during a **SR**.

Field 35 - Divided Record Authority

Circle the appropriate response. If yes, attach correspondence showing where carrier has permission to maintain divided records. If the carrier does not have this listing available, obtain from division or region files.

Field 36 - Average Number of Trip Leased Drivers

Enter the average number of trip leased drivers per month. If the same driver is used five times in a month, count the driver five times rather than once.

Example: If carrier uses approximately four drivers per week, enter **17**. ($4 \text{ drivers} \times 4+ \text{ weeks} = 16+$)

Example: If carrier uses approximately **150** per year, enter **13**. ($150 \text{ drivers} / 12 = 12.5$)

Round all fractions up to the next whole number.

Do not include this figure in the totals compiled for Field **38**.

Do not complete this Field if **B** has been circled in Field **23** - intrastate only.

Field **37** - Equipment

Zero may not be entered in this field. The number entered will reflect vehicles that are, or can be, operational the day the review is completed with the exception of trip leased vehicles. Enter an average of trip leased vehicles per month. If the same vehicle is used several times in a month, count each trip separately.

If **B** is circled in Field **23** - intrastate only, enter only those vehicles that are subject to the financial responsibility requirements of Part **387** of the **FMSCRS**.

Line through any boxes not used.

"Term leased" is often used interchangeably with the term "permanent leased." It describes a lease that is in effect for **30** days or longer. "**Trip** leased" describes a lease that is in effect for less than **30** days.

Field **38** - Drivers Subject **FMSCRS**

Enter only those drivers who are subject to the **FMSCRs**. The number should reflect regularly employed, part-time, and casual drivers. Do not include trip leased drivers, since Field 36 accounts for this designation. If **B** is circled in Field 23 - intrastate only, do not complete this field, but line through the entire field.

- (a) Enter the number of drivers who remain wholly within the commercial zone. If drivers are qualified for "over-the-road" and can at any time be used beyond a commercial zone, do not include these figures in **38a**, but enter in **38c**.
- (b) Enter the number of drivers who remain wholly within a **100-mile** radius. If drivers intermittently go beyond the **100-mile** radius or serve as substitutes when needed for **over-the-road** drivers, do not include these figures in **38b**, but enter in **38c**.
- (c) Enter all drivers who drive, or who can drive at any time, beyond a **100-mile** radius.
- (d) Enter the total of a, **b**, and **c**.

Field 39 - Persons Interviewed During this Review

List the three highest ranking individuals interviewed during the review.

Field 40 - Signatures

- (a) The highest ranking official available should sign for the review.
- (b) Enter the title of the individual signing for a copy of the review.
- (c) If more than one specialist conducted the review, both should sign the review.

- (d) Enter the title of the specialist(s).
- (e) Enter the assigned code number of the specialist(s).
- (f) Enter the date(s) of the review.

b. Part B - Questionnaire

- (1) The questionnaire consists of 75 questions (55 safety and 20 HM questions) designed to indicate if a carrier has adequate systems in place to effect compliance with the FMSCRs/HMRs. Page B4 involves questions, comments, and recommendations, pertaining to HM carriers. If the carrier does not transport HM, do not include page B4 when submitting the SR.

- (2) The questions are divided into the following groups that can be rated individually or collectively:

- General - Safety/Hazardous Materials
- Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers
- Part 394 - Notification and Reporting of Accidents
- Part 391 - Qualifications of Drivers
- Part 392 - Driving of Motor Vehicles
- Part 396 - Inspection, Repair, and Maintenance
- Part 395 - Hours of Service of Drivers
- Part 397 - Transportation of Hazardous Materials Driving and Parking Rules
- Part 177 - Carriage by Public Highway

- (3) Questions preceded by an asterisk, "*", are windowed questions requiring a sampling of documents before a response can be marked. Questions preceded by a "C" may require further comments in the comments section below each set of questions. In addition, each answer marked with an "N/A" response must be explained in the comments section. If the entire set of questions do not apply, simply circle "N/A" at the beginning of the column and explain the "N/A" response.
- (4) The answer to each question must be marked by the safety specialist. The specialist is not to give the SR to the carrier to complete. Each question will elicit either a "yes," "no," or "N/A" response. A check mark "✓" is to be entered in the appropriate column. When a question is phrased in a manner such as "Can the carrier produce" before the safety specialist marks a "yes" response, the material being referred to in the question must be viewed. The specialist also has the discretion to ask for supporting evidence on any response given. Copies of company documents may be attached to the SR, for the division office file.
- (5) On the bottom of pages B3 and B4 is a recommendation section. Recommendations shall be provided by the specialist which would assist the motor carrier in achieving compliance with the FMSCRs and the HMRs. The recommendations should focus on the questions which elicited a "no" response, since these areas indicate noncompliance and safety system breakdowns. The recommendations should be pertinent to that particular carrier's organization and operation. Avoid boiler plate responses.

- (6) Additional comments on questions preceded by an asterisk, a "C," or questions that may need further explanation are as follows:

General

Question 1 - View the **FMSCRs** before marking "yes."

Question 2 - View the **HMRs** before marking "yes."

Question 3 - A responsible position would be a management level position. The term "familiar," though subjective, would include a basic knowledge of driver qualification requirements, hours of service limitations, etc.

Question 4 - Briefly explain to whom this position reports, where in the hierarchy, etc.

Question 5 - The word "**sole**" should be removed.

Question 7 - Split responsibilities would elicit a "**no**" response.

Question 8 - If yes, briefly explain the training program in the remarks section.

Question 10 - Change to "**Is** the carrier aware that fines and penalties can..."

Question 11 - Remove "...on a periodic basis". If yes, explain the audit procedure, by whom, and how often. Ask to see the audit reviews or results for the previous year, if available.

Question 12 - Remove "...outside..."

Part 387

Question 1 - If no, enter the following statement: "A properly executed copy of Form **MCS-90**, Endorsement, Form **MCS-82**, Surety Bond, or ICC self-insurance authorization must be filed with the Office of Motor Carriers (add appropriate address) within **10** working days from the date of this document." A preprinted stamp containing the above information may be used by the specialist to save time. Continue to follow additional instructions contained in Volume **2**, Chapter **3**, of this manual. If yes, attach a copy of proof of financial responsibility.

Note: If no, please indicate in the comments section whether the carrier had a sufficient level of insurance.

Part 394

Question 3 - Review accident records for the **365** day period prior to the date of the review. List violations discovered showing date of accident, driver involved, property damage amount, and/or total injuries.

Question 5 - If yes, describe the action taken. "**N/A**" can be marked only if the carrier had no preventable accidents.

Part 391

Question 1 - Replace "produce written" with "**describe**".

Question 3 - If yes, list those more stringent, i.e., carrier doctor, age, years of experience, etc.

Question 4 - If yes, briefly explain. From the list of drivers involved in accidents, select three drivers and review their medical certificates. If less than three different drivers were involved in accidents, randomly select the balance from a driver roster, seniority list, payroll records, etc. If the carrier employs three or less drivers, review all the medical certificates. List violations discovered.

Question 9 - This question must be posed to the individual certifying the written test certificates.

Question 10 - Review the road tests and road test certificates on the same drivers selected for question 4. If road test certificates were issued by other motor carriers, ensure those drivers are operating the same type of equipment. If the drivers were hired prior to January 1, 1971, answer "N/A." List violations discovered.

Question 11 - Replace with "Is the carrier familiar with the documents required to be in the driver qualification file".

Question 12 - Again, review the qualification files on the same drivers selected for questions 4 and 10. If any of the files are missing a required document, or if one of the documents is substantially incomplete, answer "no ". List violations discovered.

Question 13 - As an example, polygraph tests, credit reports, drug testing, etc.

Part 392

Question 1 - Add "...concerning prohibited use..." If yes, explain the procedures.

Question 4 - Add "...have policies and procedures for controlling speed?"

Question 5 - Replace with "...that runs can be completed in compliance with speed limits and the hours of service limitations?" List all extended runs over 500/600 miles. Review the documentation for each run in excess of 500/600 miles, and determine whether the run can be completed within the applicable speed limits and hours of service limitations.

Part 396

Question 1 - Replace with "Can the carrier explain its systematic, periodic maintenance program?" If yes, briefly explain the systematic, periodic maintenance program.

Question 3 - If yes, briefly explain the procedure.

Question 4 - Insert "...inspection procedure (396.3)?"

Question 6 - Select a vehicle from the list of vehicles involved in accidents, and review the inspection reports submitted for three months prior to the accident. If no vehicles were involved in accidents, select a vehicle cited on a Driver/Vehicle roadside inspection report or a vehicle at random. (Note: exception for carriers operating only one motor vehicle).

Question 7 - A monthly safety lane inspection would be an example of a **"yes"** answer. Inspections performed under maintenance contracts or by local mechanics' facilities would qualify as a company authorized location.

Question 8 - Select the file on the vehicle chosen in question 6. List violations discovered.

Part 395

Question 2 - If yes, briefly explain the filing system.

Question 3 - Select one driver involved in an accident. If the carrier did not have any accidents, select one driver at random.

Question 5 - If the hours information is contained on the lease agreement and it is reviewed prior to dispatch, this would be one example of a **"yes"** response.

Question 6 - Question must be posed to the dispatchers. For instance, is the carrier monitoring **10, 15, 60/7 day, 70/8 day** limitations as the hours accumulate in an effort to prevent violations before they occur.

Question 8 - List the additional documents i.e., **tachograph** charts, delivery receipts, state vehicle inspection reports, guard records, toll receipts, trip reports', etc.

Question 10 - If yes, describe the system. If the carrier operates totally within a **100-mile** radius and has a valid system for recording hours of service, i.e. a system that fulfills all the criteria in section **395.8(1)(1)**, then question 10 should be marked "**YES**" and questions 2, 3, 4, 8 and 9 should be marked as appropriate for records of duty status.

Question 11 - From the list of drivers involved in accidents, select three different drivers and review 30 days records of duty status for each. (The driver selected in Question 3 may be used as one of the three drivers selected). If fewer than three drivers were involved in accidents, select the balance of drivers at random i.e. top, middle, and bottom of seniority list, payroll records, etc. If carrier employs three or less drivers, review 30 days records of duty status on all drivers. The review must include a comparison of other carrier documents with record of duty status entries to detect falsification as well as a review for excess hours violations. List violations discovered. If a "**yes**" response is marked, describe the system.

Question 12 - If yes, describe the disciplinary policy and view evidence of previous disciplinary action.

Part 397

Question 5 - Replace with "Have all drivers/employees been..."

Question 6 - If yes, briefly explain the system.

Part 177

Question 1 - If yes, briefly explain the training. Verify by asking employees who had received the training.

Question 2 - If no, why not possible, i.e. **nonspec** tank, manufacturer out-of-business, etc.

Question 3 - Ensure that the inspection report records the condition of all items set forth in section **177.824(b)**.

Question 5 - If no, describe the violation and list the shipping document number, date of shipment, and correct description.

Question 10 - Sample spill and over, short and damage reports, if available, covering a period of 6 months.

c. Part C - Evaluation of Carrier

- (1) The motor carrier does not receive a copy of Part C.
- (2) Beneath the DOT logo in the upper left hand corner, circle "safety" and "carrier."
- (3) Enter carrier census number, date, and page information as appropriate.

Field 50 - Reason For Review

This field has four options available to the individual performing the safety review. The options are:

- A. - Rating
- B. - Complaint
- C. - Selective Compliance/Enforcement
- D. - Other

For **SRs** "A" is required to be circled if the motor carrier is to be safety rated. **Failure to circle "A" will result in no safety rating of the motor carrier.** If "A" is circled a completed matrix form (**MCS-151 Part D**) must be attached to **top** of the review submitted to Headquarters.

The "B", "C" & "D" options above are **not applicable for SRs** and will not be circled for this type of review. These options are not to be used for **SRs**.

Field 51 - Planned Course of Action

This field requires only one entry to be circled for **SRs**. Please circle "D" for administrative handling of these types of reviews. On those occasions when a **SR** results in an enforcement action from noncompliance with the Financial Responsibility Requirements of Part **387** circle "B" only.

Note: State personnel completing **SRs** will leave this field vacant. The **SD/OIC** will be responsible for the completion of this information on all **SRs** completed by State Personnel.

Entry C in Field 51 will never be circled for SRS completed by Federal/State personnel.

Field 52 - Parts Reviewed

This field is to be completed as follows:

<u>Part</u>	<u>Carrier</u>
391	All
392	All
394	All
395	All
396	All
397	HM Only
177	HM Only
387	All

Field 53 - Accident Information

The completion of this field is ~~critical~~. Compile information for the ~~365-day~~ period prior to the date of review. Determine preventability of all accidents using "A Guide to Determining Preventability of Accidents," Attachment F. If the specialist is performing a review of a large or medium sized motor carrier which has determined preventability of accidents using the criteria in Attachment F, the specialist may use the carrier's information to complete this field. Accident information in small carrier operations may be very difficult to obtain, i.e., preventability, cost of accident, etc. However, the specialist shall pursue whatever avenues are available to obtain the needed information, e.g., call insurance company, interview drivers, etc., and enter it to the best of his/her ability.

Fields 54 and 55 - Reserved

Upon approval from Washington Headquarters, these fields are available for expanded accident information that Regional Offices may wish to collect.

Field 56 - Hours of Service Violation Severity

Do not complete for an SR. Line thru this entire field.

Fields 57, 58, and 59 - Prior Action Dates

Start with the most recent SR, CR, or prosecution and proceed downward with the next most recent until all three blocks are used. Dates of prior MCS-32, safety management audits should be included in Field 58. Line through any excess space or line through the entire field, if not needed.

Field 60 - Statements and Comments

In this space, and if necessary, on the MCS-151 continuation sheets (see Attachment E), record statements made by responsible carrier officials relative to correcting the violations or safety system breakdowns discovered during the review. Comments about the carrier's attitude toward compliance, the adequacy of the safety department staff, the degree of assistance and cooperation given to the specialist during the review, or other comments that will augment the information obtained from the review should be mentioned to increase the accuracy of the evaluation process and aid the next specialist should a followup review be necessary.

Field 61 - Actions Requested of Carrier

If the carrier is in noncompliance, some further action shall be requested of the carrier during the closeout interview. Generally, a request to have the carrier submit to the specialist's office within a 2 week period, written correspondence outlining corrective action taken would be sufficient. Other requests such as having the carrier forward current medical certificates, proper shipping papers, cargo tank certificates, or other needed documents demonstrate that the specialist is continuing to monitor the carrier's compliance, while the carrier is given an opportunity to demonstrate a willingness to comply. Each **RDMC** shall be responsible for ensuring his field personnel have implemented procedures to track the requests of the carrier. If a carrier has not complied with a request, the **RDMC** shall ensure appropriate action is taken.

Fields 62 and 63 - Signatures and Code Numbers

The specialist claiming the review on the **MCS-85** is to sign as the principal specialist. If only one specialist completes the review, line through the Assistant Specialist area.

d. Part D Input Matrix

- (1) Enter carrier name, carrier census number, region code, state two letter abbreviation, safety specialist code number, and **6-digit** date information.
- (2) Review Part **B**.
- (3) Place an "x" or a "✓" check mark in those boxes which correspond with the "no" responses. Leave all other boxes blank.

- (4) The motor carrier does **not** receive a copy of Part D.

8. REVIEW PROCEDURES/COMPLETION OF FORMS - MISCELLANEOUS

- a. Planning (see previous instructions, page 6)
- b. Opening Interview (see previous instructions, page 7)
- c. Terminal, Branch, or Division Reviews
 - (1) Reviews at locations other than the principal place of business shall be kept to a minimum. **Approval from the specialist's Regional Office and the Regional Office of the carrier's principal place of business must be granted prior to this activity.** In instances when it is not known in advance that the business is domiciled outside the specialist's assigned area, the safety specialist may complete the review and distribute as instructed in the chapter or simply cancel the review.
 - (2) Part A of all reviews completed at locations other than the principal place of business, shall be identified by printing "Terminal Review" to the right of the DOT logo in the upper left hand corner. Fields **1-25** shall be completed as though the review was being performed at the carrier's principal place of business. Other information shall be listed pertaining to that terminal operation **only** i.e., number of drivers, equipment etc.

- (3) Specialists shall exercise care when citing motor carriers for recordkeeping violations while performing "other facility" reviews. In the past, specialists have cited carriers for failure to maintain driver qualification files and record of duty status at the location being reviewed when such records were properly on file at the motor carrier's principal office for safety.
- (4) If recordkeeping violations are cited, they shall be cited only after carrier officials have telephoned the principal place of business for safety and have stated to the specialist that the records cannot be located.

d. Household Goods Carriers' Agent Reviews

- (1) Many household goods carriers utilize agents for performing transportation services. These agents may or may not be interstate motor carriers or hold operating authority from the Interstate Commerce Commission. When reviewing an agent which does not possess its own interstate rights, one report shall be prepared. This report shall show the census number, name, and principal office address of the authorized carrier. "Terminal Review" shall be entered on Part A, to the right of the DOT logo in the upper left hand corner and the agent's name and address entered in Field 60 of Part C. *Note: SR Terminal Reviews should not be completed without permission from the RDMC.
- (2) When reviewing an agent which also conducts interstate motor carrier operations in its own right, the SR should be confined to that operation and only one report would be prepared.

9. SELECTIVE COMPLIANCE AND ENFORCEMENT PROGRAM/RATING - BACKGROUND

a. Carrier Reviews

- (1) Motor carriers who currently possess a less than "satisfactory" safety rating and those motor carriers who receive a less than "satisfactory" safety rating based on the results of a **SR** will be placed in the Selective Compliance and Enforcement Program (reference Attachment **G**, flow chart, schematic). Of the carriers placed in this initial grouping, Washington Headquarters will further sort the field creating a high risk grouping for potential compliance reviews. This focusing will occur based on national sorting criteria developed by Washington Headquarters on an annual basis beginning each October 1.
- (2) Washington Headquarters will prepare a computer list of motor carriers (sorted **high-risk** printout) for the use of each region in scheduling **CRs**. Division **Offices** shall select carriers from this list, based upon advice from their respective regional offices, and prepare a schedule. Due to the time and complexity involved in performing the CR, and the strong possibility that the review may involve enforcement action, only experienced safety specialists shall be assigned carriers from this high-risk grouping. Less experienced specialists are encouraged to assist in a "**team**" effort.

b. Rating of Carriers

- (1) Ratings will be assigned from information compiled during the **SR**.

- (2) The rating derived from information on the **SR** is based on a point accumulation. Rated questions on Part B are weighted **1-10**. A "no" response, for instance, on a question weighted 5 will result in 5 points being assessed against the motor carrier. In order to balance the "safety significance" of the regulations, parts of the **FMSCRs** having similar characteristics are combined together to determine the "total points" for each factor. There are five factors. Each factor rating is assigned a safety rating based on predetermined point ranges of "satisfactory," "conditional," and "unsatisfactory." A sixth factor is used to address accident history of the motor carrier. This factor is assigned a rating based on the carrier's reportable/preventable accident rate to a national accident rate distribution. The carrier's overall rating will then be determined by the combination of sections that result in the "satisfactory," "conditional," or "unsatisfactory" categories.

10. DISTRIBUTION OF SAFETY REVIEW

a. Distribution by Specialist

<u>Circumstance</u>	<u>Distribution</u>
(1) Subject domiciled in territory of reporting staff member.	<p><u>Original</u> to subject's field file, Parts A, B, C and D. member.</p> <p><u>Copy 1</u> to SD/OIC of reporting staff member, Parts A, B, C and D.</p> <p><u>Copy 2</u> to subject at time of review, Parts A and B.</p>

Circumstance

- (2) Review of terminal,
branch, or division.
Principal office
in other territory.

Distribution

Original to reporting
staff member's SD
/OIC, Parts A, C
and D.

Copy 1 to reporting
staff member's SD/
OIC, Parts A, B C and
D.

Copy 2 to reporting
staff member's SD/
OIC, Parts A, B, C
and D. (Carrier's or
shipper's principal
office copy.)

copy 3 to subject at
time of review, Parts
A and B.

copy 4 retained by
reporting staff
member (Optional).

b. Distribution by SD/OICCircumstance

- (1) Subject domiciled in
territory of reporting.

Distribution

Copy 1 to RDMC or
Washington
Headquarters, in
accordance with staff
members Regional
policy.

- (2) Review of terminal,
branch, or division.
Principal office in
other territory.

Original to Region,
SD/OIC, or territory
where subject is
domiciled.

COPY 1 to RDMC or Washington Headquarters, in accordance with Regional policy.

Copy 2 to Region, SD/OIC, or territory where subject is domiciled. (Carrier's or shipper's principal office copy.)

c. Distribution by RDMC for Motor Carriers

<u>Circumstance</u>	<u>Distribution</u>
(1) Subject domiciled in Region.	<u>Copy 1</u> to Washington Headquarters.
(2) Subject domiciled in another Region.	<u>Original</u> to Region of domicile. <u>COPY 1</u> to Washington Headquarters. <u>Copy 2</u> to Region of domicile. (Carrier's or shipper's principal office copy.)
(3) Receipt of reports from other Region, carrier shipper domiciled in receiving Region.	<u>Original</u> to staff member in whose territory is subject is domiciled.

Copy 2 to carrier's or shipper's principal office via certified mail with cover letter advising of findings. Letter may be over the signature of the Regional Director, **SD/OIC**, or staff member in whose territory the entity is domiciled.

- d. Tabbing of Original and Copies of Reports - SR.
The original and all copies of reports transmitted by the staff member who prepared them will be clearly marked or tabbed to show where the original and all copies of the reports shall be sent. Parts A, B, C and D transmitted shall be stapled to prevent accidental separation during transmittal.
- e. Prompt Transmittal of Safety Reviews.
- (1) Copy 2 of each **SR** must be forwarded to the **SD/OIC** within **10** working days from the date entered on Part A. If the safety specialist is to be away from the office for more than **10** working days, the reviews are to be mailed to the **SD/OIC** from the work location.
 - (2) Upon receipt, the **SD/OIC** is to review the **SR** for completeness and compliance with policy and forward to the Regional Office or Headquarters, in accordance with Regional policy, within **10** working days from date of receipt.

- (3) The Regional Office must then complete a review of the **SR**, if necessary, and forward it to Washington Headquarters within **10** working days from date of receipt.

DEFINITIONS - CARRIER CLASSIFICATIONS

<u>CLASSIFICATION</u>	<u>DEFINITION</u>
ICC COMMON	For-hire operations, serving the general public, for which ICC authorization is required.
ICC CONTRACT	For-hire operation for which ICC authorization is required, with continuing contracts for exclusive use of vehicles or for services meeting distinct needs of individual shippers.
ICC EXEMPT	For-hire operation for which ICC authorization is not required, such as the transportation of agricultural commodities, school bus or taxicab operations, etc.
PRIVATE	Operation involving transportation of property of which the carrier is the owner, lessee or bailee , or to further a commercial enterprise other than for-hire transportation.
FOREIGN/INTERNATIONAL	Operation involving transportation of passengers or property between any place in a foreign country, or between places in the U.S. through a foreign country. Also, transportation between places in a foreign country, or between a place in one foreign country and a place in another foreign country insofar as such transportation takes place within the U.S.

MIGRANT	For-hire operation, other than ICC Common or ICC Contract carriage, involving transportation of three or more migrant workers to or from the place of their employment in vehicles other than passenger automobiles or station wagons.
MAIL	For-hire operation involving transportation of mail under contract with the U.S. Postal Service.
OTHER	Types of operations not covered by the preceding definitions.

SD/OIC NUMBERS AND STATE ABBREVIATIONS

Each **SD/OIC** has been assigned a two numeral identification number to enable the Management Information System to extract motor carriers and shippers for **SD/OIC** from the automated system. These numbers, which appear below, coincide with the numbers assigned to the States or U.S. Possessions by the Federal Information Processing Standards (**FIPS**) of the National Bureau of Standards.

<u>State</u>		<u>SD/OIC No.</u>	<u>State</u>		<u>SD/OIC No.</u>
Alabama	AL	01	New Hampshire	NH	33
Alaska	AK	02	New Jersey	NJ	34
Arizona	AZ	04	New Mexico	NM	35
Arkansas	AR	05	New York	NY	36
California	CA	06	North Carolina	NC	37
Colorado	co	08	North Dakota	ND	38
Connecticut	CT	09	Ohio	OH	39
Delaware	DE	10	Oklahoma	OK	40
District of			Oregon	OR	41
Columbia	DC	11	Pennsylvania	PA	42
Florida	FL	12	Rhode Island	RI	44
Georgia	GA	13	South Carolina	SC	45
Hawaii	HI	15	South Dakota	SD	46
Idaho	ID	16	Tennessee	TN	47
Illinois	IL	17	Texas	TX	48
Indiana	IN	18	Utah	UT	49
Iowa	IA	19	Vermont	VT	50
Kansas	KS	20	Virginia	VA	51
Kentucky	KY	21	Washington	WA	53
Louisiana	LA	22	West Virginia	WV	54
Maine	ME	23	Wisconsin	WI	55
Maryland	MD	24	Wyoming	WY	56
Massachusetts	MA	25			
Michigan	MI	26			
Minnesota	MN	27	<u>Possessions</u>		
Mississippi	MS	28			
Missouri	MO	29	Puerto Rico	PR	58
Montana	MT	30	Virgin Islands	VI	58
Nebraska	NE	31	Guam	GU	15
Nevada	NV	32	American Samoa	AS	15

Sampling List, Safety Review (SR)

- A. During a **SR**, the completion of Part B - Questionnaire will require a sampling of various motor carrier records. These records are identified below:


Parts 387-396

1. Copy of **FMSCRs** and/or **HMRs**
2. Internal safety management reviews
3. **MCS-90/82** or Insurance Binder
4. Past accident records (**365** days prior to date of review)
5. Three driver qualification files (select drivers involved in accidents)
6. **Written procedures** explaining systematic, periodic maintenance
7. Maintenance records (leased equipment)
8. Driver Vehicle Inspection Reports (**3** months, select vehicle involved in an accident)
9. Maintenance file (select one vehicle involved in an accident)
10. Six months record of duty status for one driver (select driver involved in an accident)
11. Records of duty status (Trip lease drivers)
12. Records of duty status (**3** separate drivers, 1 month each. Select drivers involved in accidents)
13. Time Records

Parts 397 and 177

1. Signed Receipt Explosives Driver (**397.19**)
2. System to ensure written route plan (Explosives Vehicles)
3. Cargo Tank Certificate or Manufacturer's Data Report (one tank)
4. Cargo Tank Inspection Report (one vehicle)
5. **HM** Shipping Paper (one **HM** shipment)
6. Labels for each class of **HM**
7. Over Short and Damaged Reports (OS&D) (**6** months)
8. Hazardous Waste Manifest (one shipment)

Attachment D

		4. NAME OF MOTOR CARRIER/SHIPPER D & J Trucking Co., Inc. (Davis & Johnson Trucking Co., Inc.)				CHANGE CORRECTIO MERGE	
		5. FIRST LOCATOR D&JTruckingCompan		6. SECOND LOCATOR Davis&JohnsonTruc			
SAFETY COMPLIANCE REVIEW (CARRIER)SHIPPER IDENTIFICATION		7. STREET ADDRESS/P.O. BOX/ROUTE NUMBER 3961 Elrod Avenue, P.O. Box 769					
1. DOCUMENT NUMBER		8. CITY Lima		9. COUNTY 123	10. STATE OH	11. ZIP CODE 29672	
2a. b. CARRIER CENSUS NMBR N U 021973		12. STREET ADDRESS/P.O. BOX/ROUTE NUMBER					
3a. b. SHIPPER CENSUS NMBR N U		13. CITY		14. COUNTY	15. STATE	16. ZIP CODE	
7. REGION 5		18. OIC # 19		19. TERRITORY F		20. PRINCIPAL PHONE NMBR AREA EXCHANGE NUMBER 817 555 1111	
22. CLASSIFICATION (A) AUTHORIZED FOR HIRE B. EXEMPT FOR HIRE C. PRIVATE		23. CARRIER OPERATION (A) INTERSTATE B INTRASTATE ONLY C FOREIGN		24. SHIPPER OPERATION A INTERSTATE B INTRASTATE ONLY C FOREIGN			
25. a. BUSINESS ORGANIZATION A INDIVIDUAL B PARTNERSHIP (C) CORPORATION:		b. STATE OH		c. YEAR 1958		26. PRINCIPAL CARGO NAME Building Materials	
27. CARGO CLASSIFICATIONS A. GENERAL FREIGHT (C) BUILDING MATERIALS N. OILFIELD EQUIPMENT (U) CHEMICALS B. HOUSEHOLD GOODS H. MOBILE HOMES O. LIVESTOCK V. COMMODITIES DRY BULK C. METAL: SHEETS, COILS, ROLLS I. MACHINERY, LARGE OBJECTS P. GRAIN, FEED, HAY W. REFRIGERATED FOOD D. MOTOR VEHICLES J. FRESH PRODUCE R. MEAT X. BEVERAGES E. DRIVEAWAY/TOWAWAY K. LIQUIDS/GASES S. NEW FURNITURE/FIXTURES Y. PAPER PRODUCTS F. LOGS, POLES, BEAMS, L. INTERMODAL LUMBER M. PASSENGERS T. U.S. MAIL Z.		28. RESERVED 1		29. RESERVED 1		30. RESERVED 1	
32. HAZARDOUS MATERIALS CARRIED/SHIPPED		T-IN CARGO TANKS		P-IN PACKAGES			
C S A. EXPLOSIVES A T P (C) S H. CORROSIVES T (P) C S O. IRRITATING MATERIAL T P C S B. EXPLOSIVES B T P (C) S I. OXIDIZERS T (P) C S P. 'ORM' MATERIAL T P C S C. EXPLOSIVES C T P (C) S J. POISON A T P (C) S Q. HAZARDOUS WASTE T P (C) S D. FLAMMABLE LIQUID T (P) C S K. POISON B T P (C) S R. ETIOLOGIC AGENT T P C S E. FLAMMABLE SOLID T P (C) S L. COMBUSTIBLE LIQUID T P (C) S S. BLASTING AGENT T P C S F. FLAMMABLE GAS T P (C) S M. RADIOACTIVE MATRL T P (C) S T. HAZARDOUS SUBSTNC T P C S G. NON-FLAMMABLE GAS T P (C) S N. ORGANIC PEROXIDE T P (C) S U. CRYOGENICS T P							
33. GROSS REVENUE \$3,571,000		34. DATES OF REVENUE a. FROM 01/01/88 b. TO 12/31/89		35. DIVIDED RECORD AUTH. a. YES (C) NO		36. AVG NMBR OF TRIP LEASED DRIVERS PER MONTH 0	
37. EQUIPMENT		38. DRIVERS SUBJECT FMCSR					
OWNED		Commercial zone a. 0		100 Mile Radius b. 2			
TERM LEAS'D		Beyond 100 Mile Radius c. 20		TOTAL d. 22			
TRIP LEAS'D							
39. PERSONS INTERVIEWED DURING THIS REVIEW							
NAME Steven Thomas		NAME Glenn Green		NAME Warren Jacobs			
TITLE President		TITLE Vice-President		TITLE Safety Director			
40. SIGNATURES							
a. RECEIVED BY Steven Thomas		b. TITLE PRESIDENT					
c. REPORTED BY Jane Dawdy		d. TITLE Safety Investigator		e. CODE 007		f. DATE 1-11-90	

ICS-151

SR-1/CR-1 Part A (Rev. 2/87)

Attachment D
cont'd

U.S. Department of Transportation Federal Highway Administration	NAME OF MOTOR CARRIER D & J Trucking Co., Inc.	CENSUS NO. <u>021973</u> SR(S) CODE NO.(S) <u>007</u> DATE <u>01/11/90</u> PAGE <u>1</u> OF <u>4</u>	
General			
	YES	NO	N/A
*1. Can the carrier produce a copy of the Federal Motor Carrier Safety Regulations (FMCSR)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*2. Can the carrier produce a copy of the Hazardous Materials Regulations (HMR)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is at least one responsible carrier official familiar with the FMCSR?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C 4. Does the carrier have one individual ultimately charged with the responsibility for ensuring overall compliance with the FMCSR on an equal or higher level than the Director of Operations position?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Does the individual in charge of safety have the authority to hire drivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Does the individual in charge of safety have authority to terminate drivers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Does the carrier have one individual charged with the responsibility for ensuring overall compliance with the HMR?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C 8. Does the carrier have a driver safety training/orientation program?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the carrier have a safety incentive/award program?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Is the carrier aware that the fines and penalties that can be imposed for violations of the FMCSR/HMR?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*11. Does carrier management review its safety compliance status on a periodic basis?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Have any carrier employees attended any outside safety meetings, courses or seminars in the past two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Is the carrier's operation profitable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General — Comments:			
4. Safety Director reports to Director of Operations. 8. Two day classroom presentation.			
Part 387 — Minimum Levels of Financial Responsibility for Motor Carriers			
	YES	NO	N/A
C*1. Does the carrier have the required minimum level of financial responsibility effect as evidenced by an MCS 90 or MCS B2? (attach copy to the form)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Part 387 — Comments: Carrier has \$5,000,000 coverage. Progressive CLP-111-XXXX			
1. "A properly executed MCS-90, Endorsement must be filed with the Office of Motor Carriers, 200 North High Street, Columbus, OH 43215 within 10 working days from the date of this document."			
Part 394 — Notification and Reporting of Accidents			
	YES	NO	N/A
1. Can the carrier explain the definition of a reportable accident?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Can the carrier explain the fatal accident notification requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C*3. Is the carrier filing MCS-50 T(B) accident reports when required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Does the carrier determine preventability of accidents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C*5. Does the carrier take any action against drivers involved in preventable accidents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Part 394 — Comments:			
3. Two accidents: 07/10/89 driver Klinger \$10,000 property damage and 07/28/89 driver Thomas two injuries. Both not reported.			
5. Both above drivers given three day suspensions and letter in driver qualification file.			
Received by: <i>Steven Thomas</i>	Title: PRESIDENT	Total No. of Pages 4	

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Attachment D
cont'd

U.S. Department of Transportation Federal Highway Administration		Part 391 — Qualifications of Drivers		CARRIER CENSUS NO 021973 PAGE 2 OF 4	
		YES	NO	N/A	
1.	Can the carrier <u>describe</u> hiring policies/procedures that are being followed on all new hires?		✓		
2.	Are oral interviews conducted with the drivers to verify information Submitted on their applications?	✓			
C 3.	Are hiring policies more stringent than the requirements of Part 391?		✓		
C*4.	Does the carrier have a system established that will ensure drivers' medical certificates remain current?		✓		
5.	Does the carrier verify that physicians completing medical certifications are knowledgeable of the instructions for performing and recording physical examinations?		✓		
6.	Does the carrier review the results of the health history and physical examination (long form)?			✓	
7.	Does the carrier have a system established that will ensure drivers' operating licenses remain current?	✓			
8.	Does the carrier have a system established that will ensure drivers' annual reviews and annual record of violations remain current?		✓		
9.	Can the written test examiner explain the written test certification process?	✓			
C*10.	Does the carrier comply with the road test provisions of Section 391.31?		✓		
11.	Is the carrier familiar with Are the carrier's documents required to be in a driver qualification file?	✓			
C*12.	Can the carrier produce completed driver qualification file on drivers selected at random?		✓		
13.	Are other sources used to check driver's background other than those required by Part 391?		✓		
Part 391 — Comments:					
<p>here are no policies/procedures.</p> <p>4. Steve Jones and Fred Thomas - medical certificates expired.</p> <p>6. Carrier accepted certificates issued when drivers were hired by another carrier.</p> <p>10. No road test certificates for drivers Thomas and Klinger.</p> <p>12. Jones and Thomas have medical certificates that have expired; Thomas and Klinger missing road test and road test certificates. Klinger, Jones, and Thomas missing annual review and annual record of violations.</p>					
Part 392 — Driving of Motor Vehicles					
		YES	NO	N/A	
C 1.	Does the carrier have established procedures concerning <u>prohibited</u> use of alcohol and drugs?	✓			
2.	Does the carrier have a policy concerning passengers?		✓		
3.	Are drivers instructed on load securement procedures?	✓			
4.	Does the carrier have a <u>policies and procedures for controlling speed?</u>	✓			
C*5.	Can the carrier produce documentation that runs in excess of 500 miles can <u>speed limits</u> be completed in compliance with 60 mph and hours of service limitations?			✓	
Part 392 — Comments:					
<p>1. During two day orientation drivers are informed they will be fired for any possession of alcohol or drugs when in or on company property.</p> <p>5. No runs discovered to be over 500 miles.</p>					
Part 396 — Inspection, Repair, and Maintenance					
		YES	NO	N/A	
C*1.	Can the carrier produce written procedures <u>its</u> explain its systematic, periodic maintenance program?		✓		
2.	Can the carrier list the maintenance records required for vehicles controlled for 30 consecutive days or more?		✓		
C*3.	Does the carrier periodically review maintenance records for leased equipment?			✓	
4.	Is the carrier complying with the vehicle inspection procedure? <u>(396.3)</u>	✓			
5.	Are driven trained to perform pretrip inspections?	✓			
*6.	Can the carrier produce the prior three months vehicle inspection reports on a vehicle selected at random?	✓			
7.	Are all vehicles required to be inspected at a carrier authorized location on a periodic basis?		✓		
C*8.	Can the carrier produce a complete maintenance file on a vehicle selected at random?		✓		

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Attachment D
cont'd

U.S. Department of Transportation Federal Highway Administration	Part 398 — Cont. Inspection, Repair, and Maintenance	CARRIER CENSUS NO. 021973 PAGE 3 OF 4	
Part 398 — Comments: 3. No leased equipment. 8. No records to indicate the nature and due date of the various inspection and maintenance operations to be performed.			
Part 395 — Hours of Service of Drivers			
	YES	NO	N/A
1. Can the carrier explain the hours of service limitations? i.e. 10, 15, 60 in 7, 70 in 8	<input checked="" type="checkbox"/>		
2. Does the carrier file records of duty status in a systematic manner?	<input checked="" type="checkbox"/>		
3. Can the carrier produce the prior 6 months records of duty status for a driver selected at random?	<input checked="" type="checkbox"/>		
4. Are drivers required to complete recaps of their records of duty status?		<input checked="" type="checkbox"/>	
5. Does the carrier have a procedure for monitoring trip lease drivers' hours of service?			<input checked="" type="checkbox"/>
6. Are dispatchers aware of drivers' hours of service prior to and during trip?		<input checked="" type="checkbox"/>	
7. Are drivers required to telephone the carrier each day?	<input checked="" type="checkbox"/>		
8. Are other independent records being compared to drivers' records of duty status for accuracy?		<input checked="" type="checkbox"/>	
9. When reaching a home terminal, are previous records of duty status required to be submitted, actually submitted?	<input checked="" type="checkbox"/>		
10. Does the carrier have a system for recording hours of duty status on 100 mile radius drivers?	<input checked="" type="checkbox"/>		
11. Does the carrier have a system to effectively control the drivers' hours of service?		<input checked="" type="checkbox"/>	
12. Does the carrier adhere to a disciplinary policy for noncompliance with Part 395?		<input checked="" type="checkbox"/>	
Part 395 — Comments: 2. Logs filed by driver by month. 5. No trip lease drivers. 10. Time cards showing time begin, end and total hours worked each day. 11. Carrier reviews logs for excess hours, but not falsification. Driver Thomas, false logs 09/12/89, 09/29/89, and 10/03/89. Driver Klingner, false logs 09/20/89, 10/14/89, and 10/30/89. Recommendations Parts 387-398 Safety Director should report to same individual as Director of Operations. Operations shouldn't be able to overrule decisions of the Safety Department. Safety Director should have sole authority to hire drivers. Assign to one individual the responsibility of completing MCS-50T's. The problem of two unreported accidents occurred because two individuals thought each other had reported the accidents. Establish a tickler system that will "flag" when driver licenses, medical certificates, annual reviews, etc. need to be renewed. Require all new hires to obtain a medical certificate and drivers to a doctor or clinic where the requirements of the regulations are understood. Establish written hiring policies that will be consistently applied. A written policy should be established to forbid transportation of noncompany employees without prior approval of the company and authorization in writing (392.60). All vehicles should be inspected at a company authorized location on at least a monthly basis. Sample shows falsification. All available company documents that have a date/time marking should be periodically matched against log entries. Since drivers are required to phone each day, have dispatchers record when and from the location the drivers are calling. When logs are submitted, match log entries with information recorded by the dispatcher. Establish a disciplinary policy in writing and consistently enforce the policy for all who operate in violation of Part 395.			

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Attachment D
cont'd

U.S. Department of Transportation Federal Highway Administration	Part 397 Transportation of Hazardous Materials Driving and Parking Rules	CARRIER CENSUS NO. 021973 PAGE 4 OF 4
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	YES	NO	N/A
1. Can the carrier explain the attendance requirements for a vehicle containing hazardous material (HM)?	<input checked="" type="checkbox"/>		
2. Can the carrier explain the parking requirements for a vehicle containing HM?		<input checked="" type="checkbox"/>	
* 3. Can the carrier produce a copy of the signed receipt for documents received re: Section 397.19 for a driver of Class A or B explosives selected at random? (note 1 year retention period)			<input checked="" type="checkbox"/>
4. Is the private carrier aware of the marking of vehicles requirements in Section 397.21?			<input checked="" type="checkbox"/>
5. Have all drivers ^{employees} been informed of the smoking prohibitions?	<input checked="" type="checkbox"/>		
* 6. Does the carrier have a system to ensure all drivers transporting Class A and B explosives have a written route plan?			<input checked="" type="checkbox"/>
7. Is consideration given to avoidance of heavily populated areas when hauling HM?	<input checked="" type="checkbox"/>		

Part 397 — Comments:

3. Carrier does not transport Explosives.
 4. Carrier operates for-hire.
 6. Same as #3 above.

Part 177 — Carriage by Public Highway

	YES	NO	N/A
C*1. Does the carrier provide HM training for its employees?		<input checked="" type="checkbox"/>	
C*2. Can the carrier produce a cargo tank certificate or manufacturer's data report for a cargo tank selected at random?			<input checked="" type="checkbox"/>
* 3. Can the carrier produce a cargo tank inspection report for a cargo tank selected at random?			<input checked="" type="checkbox"/>
4. Has carrier provided written notification of MC330/331 cargo tanks in service or removed from service?			<input checked="" type="checkbox"/>
C*5. Can the carrier explain their system to ensure shipping papers accompanying HM loads are properly prepared and/or produce a properly prepared shipping paper for a shipment selected at random?		<input checked="" type="checkbox"/>	
a Can the carrier explain the accessibility requirements for shipping papers?	<input checked="" type="checkbox"/>		
* 7. Can the carrier produce a label for each class of HM transported?	<input checked="" type="checkbox"/>		
a Can the carrier explain what constitutes placarded load?	<input checked="" type="checkbox"/>		
9. Can the carrier explain the incident reporting requirements?	<input checked="" type="checkbox"/>		
C*10. Is the carrier filling DOT Form F 5800.1 reports when required?			<input checked="" type="checkbox"/>
* 11. Is the carrier maintaining correctly prepared and signed hazardous waste manifests for at least 3 years?			<input checked="" type="checkbox"/>

Part 177 — Comments:

1. Interviewed two drivers who stated the two day orientation did not include HM training and that they had not received any other HM training.
 2. No tanks.
 3. same as #2 above.
 4. Same as #2 above.
 5. Shipping paper #C1079, 9/10/89 does not show classification of material, i.e. corrosive material. Should show COMPOUND, LIQUID CORROSIVE MATERIAL NA1760.
 10. Carrier has not experienced any spills.
 11. Hazardous waste not transported.

Recommendations Parts 397, 177

Classify all hazardous materials transported in conjunction with shipper, and advise shipper to correct shipping papers.
 Incorporate HM training for drivers in two day orientation.

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SR-1 Part B4 (Revised 10-86)


Attachment D
cont'd

U.S. Department of Transportation Federal Highway Administration		CARRIER CENSUS NO. 021973	SHIPPER CENSUS NO.	DATE 01/11/90	PAGE 1 OF 1																																																			
INTRA-AGENCY MEMORANDUM SAFETY COMPLIANCE REVIEW CARRIER/SHIPPER EVALUATION		50. REASON FOR REVIEW: A RATING B COMPLAINT: No: C SELECTIVE COMPLIANCE/ENFORCEMENT D OTHER		51. PLANNED COURSE OF ACTION: A SELECTIVE MONITORING B PROSECUTION: No: C SANCTIONS D ADMINISTRATIVE HANDLING																																																				
52. 49 CFR		53. ACCIDENT INFORMATION (PRIOR 365 DAYS)																																																						
PARTS REVIEWED		<table border="1"> <tr> <td>a. 391</td><td>b. 392</td><td>c. 393</td><td>d. 394</td><td>e. 395</td><td>f. 396</td><td>g. 397</td><td>h. 398</td><td>i. 399</td><td>j. 171</td><td>k. 172</td><td>l. 173</td><td>m. 177</td><td>n. 178</td><td>o. 325</td><td>p. 367</td><td>q.</td> </tr> <tr> <td>YES</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td><td>✓</td> </tr> <tr> <td>NO</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>				a. 391	b. 392	c. 393	d. 394	e. 395	f. 396	g. 397	h. 398	i. 399	j. 171	k. 172	l. 173	m. 177	n. 178	o. 325	p. 367	q.	YES	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NO																
a. 391	b. 392	c. 393	d. 394	e. 395	f. 396	g. 397	h. 398	i. 399	j. 171	k. 172	l. 173	m. 177	n. 178	o. 325	p. 367	q.																																								
YES	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																																								
NO																																																								
TOTAL ACCIDENTS		TOTAL PREVENTABLE		TOTAL REPORTABLE																																																				
A		B		C																																																				
TOTAL FATALITIES		TOTAL INJURIES		TOTAL MILES																																																				
F 1		G 4		H 2,500,000																																																				
TOTAL NOT REPORTED		TOTAL PREVENTABLE THAT ARE REPORTABLE		54. RESERVED																																																				
D		E		55. RESERVED																																																				
56. HOURS OF SERVICE — VIOLATION SEVERITY																																																								
		10 HOUR RULE		15 HOUR RULE																																																				
LESS OR EQUAL 1		a		b																																																				
GREATER 1 LESS/EQUAL 2		e		f																																																				
GREATER 2 LESS/EQUAL 3		i		j																																																				
GREATER 3 LESS/EQUAL 5		m		n																																																				
GREATER THAN 5		q		r																																																				
				60 HOURS/7 DAYS																																																				
				70 HOURS/8 DAYS																																																				
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PRIOR ACTION DATES																																																								
57. SAFETY REVIEWS		58. COMPLIANCE REVIEWS		59. PROSECUTIONS																																																				
A		A		A																																																				
B		B		B																																																				
C		C		C																																																				
MI. STATEMENTS MADE BY CARRIER/SHIPPER RELATIVE TO IMPROVING SAFETY COMPLIANCE OR OTHER COMMENTS RELATIVE TO THE REVIEW: President Steve Thomas and other carrier personnel were very cooperative. Vice-President Glenn Green and Safety Director Warren Jacobs were very cognizant of the regulations. The review exposed many problems that the above officials thought systems and people at the company were supposed to prevent. President Thomas said he would give serious consideration to upgrading the Safety Director position to a level that would be on par with the Director of Operations. Both positions would then report to the Vice-President. President Thomas also stated that immediately, Safety Director Jacobs would be given sole authority to hire drivers.																																																								
61. ACTIONS REQUESTED OF CARRIER/SHIPPER: President Thomas was requested to forward a letter to the Division office within two weeks which outlines corrective action taken by D & J Trucking Co., Inc. Copies of current medical certificates for drivers Jones and Thomas are to be attached to the letter.																																																								
PRINCIPAL INVESTIGATOR: SIGNATURE		62. CODE NUMBER		ASSISTANT INVESTIGATOR: SIGNATURE																																																				
Jane Dowdy		007																																																						
				63. CODE NUMBER																																																				

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SR-1/CR-1 Part C (Revised 10-85)

Attachment D
cont'd

 <p style="text-align: center;">SR-1/CR-1 INPUT MATRIX</p> <p>OFFICE OF MOTOR CARRIER SAFETY FIELD OPERATIONS</p>	CARRIER NAME D & J Trucking Co., Inc.			
	CENSUS NUMBER 021973	REGION: 5	STATE: OH	CODE: 007
	DATE: 01/11/90			

TITLE 49 PARTS	QUESTION RESPONSES													
	1	2	3	4	5	6	7	8	9	10	11	12	13	
390	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
387	<input checked="" type="checkbox"/>													
394	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
391	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
392	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
396	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
395	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
397	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
177	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

DIRECTIONS:
Place an "X" or a "✓" check mark *only* in those boxes which correspond with the questions on the SR-1 that receive a "no" response. Leave all other boxes blank.

HEADQUARTERS USE ONLY

Form MCS-151 SR-1/CR-1 Part D Input Matrix (4-87)

Attachment E

[illegible]

A GUIDE TO DETERMINING
PREVENTABILITY OF ACCIDENTS

The heart of accident analysis is the determination of the preventability based on the facts furnished in the accident report (**MCS-50T/B**). The report must be evaluated in the light of all the facts pertinent to the cause of the accident. Digging out these facts from the information on the report form is difficult in practice, due to the limited data contained on some reports. But the information can be obtained in many instances by a detailed analysis and reconstruction of the accident sequence.

Each accident must be judged individually. Certain types will generally fall in the nonpreventable category, and certain others, in the absence of extenuating circumstances and conditions fall in the preventable category. The types of accidents listed below cannot cover every accident which may occur, by they are intended to provide general guidance to assist in determining preventability.

NON-PREVENTABLE ACCIDENTS

A. STRUCK IN REAR BY OTHER VEHICLE

Non-Preventable if:

1. Driver's vehicle was legally and properly parked;
2. Driver was proceeding in his own lane of traffic at a lawful speed;
3. Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or the directions of a police officer or other person legitimately controlling traffic;
4. Driver was in proper lane waiting to make turn.

B. STRUCK WHILE PARKED

Non-Preventable if:

1. Driver was properly parked in a location where parking was permitted;
2. Vehicle was stopped, parked, or left standing in accordance with Sections 392.21 and 392.22 of the Federal Motor Carrier Safety Regulations.

PREVENTABLE ACCIDENTS

A. ACCIDENTS AT INTERSECTIONS

Preventable if:

1. Driver failed to control speed so that he could stop within available sight distance;
2. Driver failed to check cross-traffic and wait for it to clear before entering intersection;
3. Driver pulled out from side street in the face of oncoming traffic;
4. Driver collided with person, vehicle or object while making right or left turn;
5. Driver collided with vehicle making turn in front of him.

B. STRIKING OTHER VEHICLE IN REAR

Preventable if:

1. Driver failed to maintain safe following distance and have his vehicle under control;
2. Driver failed to keep track of traffic conditions and not slowdown;

3. Driver failed to ascertain whether vehicle ahead was moving slowly, stopped or slowing down for any reason;
4. Driver misjudged rate of overtaking;
5. Driver came too close before pulling out to pass;
6. Driver failed to wait for car ahead to move into the clear before starting up;
7. Driver failed to leave sufficient room for passing vehicle to get safely back in line.

C. SIDESWIPE AND HEAD-ON COLLISIONS

Preventable if:

1. Driver was not entirely in his proper lane of travel;
2. Driver did not pull to his right and slow down and stop for vehicle encroaching on his lane of travel when such action could have been taken without additional danger.

D. STRUCK IN REAR BY OTHER VEHICLE

Preventable if:

1. Driver was passing slower traffic near an intersection and had to make a sudden stop;
2. Drive made a sudden stop to park, load, or unload;
3. Vehicle was improperly parked;
4. Driver rolled back into vehicle behind while starting on grade.

E. SQUEEZE PLAYS AND SHUTOUTSPreventable if:

1. Driver failed to yield right-of-way when necessary to avoid an accident.

F. RACKING ACCIDENTSPreventable if:

1. Driver backed up when backing could have been avoided by better planning of his route;
2. Driver backed into traffic stream when such backing could have been avoided;
3. Driver failed to get out of cab and check proposed path of backward travel;
4. Driver depended solely on mirrors when it was practicable to look back;
5. Driver failed to get out of cab periodically and recheck conditions when backing a long distance;
6. Driver failed to check behind vehicle parked at curb before attempting to leave parking space;
7. Driver relied solely on a guide to help him back;
8. Driver backed from blind side when he could have a sight-side approach.

G. ACCIDENT INVOLVING RAIL-OPERATED VEHICLESPreventable if:

1. Driver attempted to cross tracks directly ahead of train or streetcar;

2. Driver ran into side of train or streetcar;
3. Driver stopped or parked on or too close to tracks.

H. ACCIDENTS WHILE PASSING

Preventable if:

1. Driver passed where view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.;
2. Driver attempted to pass in the face of closely approaching traffic;
3. Driver failed to warn driver of vehicle being passed;
4. Driver failed to signal change of lanes;
5. Driver pulled out in front of other traffic overtaking from rear;
6. Driver cut-in short of returning to right lane.

I. ACCIDENTS WHILE BEING PASSED

Preventable if:

1. Driver failed to stay in his own lane and hold speed or reduce it to permit safe passing.

J. ACCIDENTS WHILE ENTERING TRAFFIC STREAM

Preventable if:

1. Driver failed to signal when pulling out from curb;
2. Driver failed to check traffic before pulling out from curb;

3. Driver failed to look back to check traffic if he was in position where mirrors did not show traffic conditions;
4. Driver attempted to pull out in a manner which forced other vehicle(s) to change speed or direction;
5. Driver failed to make full stop before entering from side street, alley or driveway;
6. Driver failed to make full stop before crossing sidewalk;
7. Driver failed to yield right-of-way to approaching traffic.

K. PEDESTRIAN ACCIDENTS

Preventable if:

1. Driver did not reduce speed in area of heavy pedestrian traffic;
2. Driver was not prepared to stop;
3. Driver failed to yield right-of-way to pedestrian.

L. MECHANICAL DEFECTS ACCIDENTS

Preventable if:

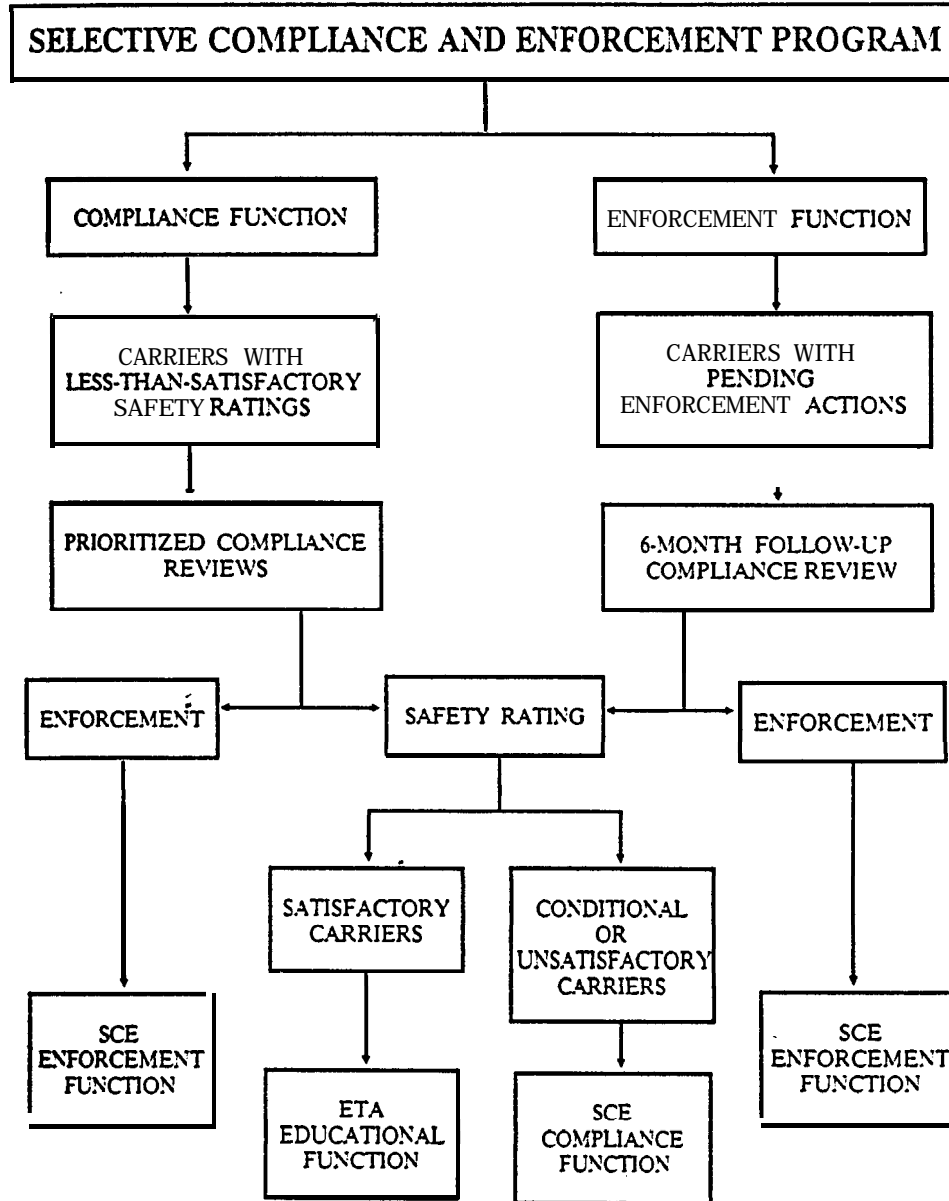
1. Defect was of a type which driver should have detected in making **pre-trip** or **enroute** inspection of vehicle;
2. Defect was of a type which driver should have detected during the normal operation of the vehicle;
3. Defect was caused by driver's abusive handling of the vehicle;
4. Defect was known to driver, and ignored;

5. Driver instructed to operate with known defect.

M. ALL TYPES OF ACCIDENTS

Preventable if:

1. Driver was not operating at a speed consistent with the existing conditions of road, weather and traffic;
2. Driver failed to control speed so that he could stop within assured clear distance;
3. Driver misjudged available clearance;
4. Driver failed to yield right-of-way to avoid accident;
5. Driver failed to accurately observe existing conditions;
6. Driver was in violation of company operating rules or special instructions, the regulations of any Federal or State regulatory agency, or any applicable traffic laws or ordinances.



NOTE: 1. ALL COMPLIANCE REVIEWS OF PRINCIPAL PLACE OF BUSINESS ARE RATED.
2. PROSECUTIONS SUPERCEDE RATINGS IN SCE FUNCTION ASSIGNMENTS.
3. SELECTED HAZARDOUS MATERIALS SHIPPERS ARE ALSO INCLUDED IN THE COMPLIANCE AND ENFORCEMENT FUNCTIONS OF SCE BUT CURRENTLY ARE NOT ASSIGNED SAFETY RATINGS.



U.S. Department
of Transportation

**Federal Highway
Administration**

Motor Carrier Training Manual

Volume 2 - Compliance

Chapter 8 - National Uniform Driver-Vehicle
Examination Procedure

- Par. 1. Purpose
 2. Authority
 3. Definitions
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 6. Planning a Roadside Examination
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 9. Brake Adjustment
 10. Driver-Vehicle Examination Procedures
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 MCS-63A
 13. Procedures for Out-of-Service Actions

REFERENCED ATTACHMENTS

- Attachment A - North American Uniform Driver Out-of-Service
Criteria
Attachment B - North American Uniform Vehicle Out-of-Service
Criteria
Attachment C - Commercial Vehicle Safety Alliance (**CVSA**)
Attachment D - Working Agreement Between the Office of Motor
Carriers and the Food and Drug Administration
Attachment E - Form **MCS-63**, Driver-Vehicle Examination Report
Attachment F - Form **MCS-63A**, Driver-Vehicle Examination Report,
Continuation Sheet
Attachment G - Form **MCS-64**, Out of Service Vehicle Sticker
Attachment H - SAFETYNET List of Acceptable Violations
Attachment I - Form **MCS-63**, Distribution Table
Attachment J - Glossary

1. PURPOSE. To establish policies and procedural guidelines for driver-vehicle examinations and to establish out-of-service criteria for drivers and vehicles.
2. AUTHORITY
 - a. Interstate Commerce Act (as amended). Authorities to regulate the safety operation of common and contract carriers of passengers and property, private carriers of property, and carriers of migrant workers, including the authority to inspect vehicles and terminals, are contained in 49 U.S.C. 504, 506, and 3102, and 49 USC app. 2505; the authority to impose penalties for noncompliance is contained in 49 U.S.C. 521(b), 522(b), and 526; and the authority to impose compliance orders is contained in 49 U.S.C. 507.
 - b. Hazardous Materials Transportation Act (as amended). Authority to enforce Hazardous Materials Regulations including inspection power is contained in the Hazardous Materials Transportation Act (49 U.S.C. 1801, et seq).
 - c. Clean Water Act and Resource Conservation and Recover-y Act (as amended). Authority to enforce the regulations with regard to the transportation of hazardous substances is contained in 33 U.S.C. 1321, Section 311 of the Clean Water Act; and in 42 U.S.C. 6923, Section 3003 of the Resource Conservation and Recovery Act with regard to hazardous waste.
 - d. Motor Carrier Act of 1980 (as amended). Authority to enforce minimum Levels of Financial Responsibility for Motor Carriers, 49 U.S.C. 10927, 49 CFR 387. Proof of financial responsibility for foreign vehicles, (Section 387.7(f) - property carriers) and (Section 387.31(f) - passenger carriers). Entry denied into United States, (Section 387.7(g) - property carriers)'.
(Section 387.31(f) - passenger carriers).
 - e. Bus Regulatory Reform Act of 1982 (as amended). Authority to enforce financial responsibility for passenger carriers, 49 CFR 387 Subpart B.

- f. Surface Transportation Assistance Act of 1982 (as amended). Created the Motor Carrier Safety Assistance Program (**MCSAP**).
- g. Motor Carrier Safety Act of 1984 (as amended). Authority to establish minimum Federal safety standards for commercial motor vehicles.
- h. Commercial Motor Vehicle **Safety** Act of 1986 (as amended). Authority to establish minimum Federal standards for testing and ensuring the fitness of persons who operate commercial motor vehicles.

3. DEFINITIONS (also see Attachment **J**, Glossary)

- a. The Driver-Vehicle Examination is a procedure for examining certain key components of a vehicle and critical documents of the driver to detect those violations and defects most often identified as causing or contributing to the severity of commercial motor vehicle accidents.
- b. The Examination of a Shipment of Hazardous Materials (**HM**) is an examination to determine compliance with the Hazardous Materials Regulations (**HMR**) and the vehicle's mechanical condition to ensure safe movement of the product through the transportation system.
- c. Cargo Tank is as defined in **49 CFR Section 171.8**.
- d. Commercial motor vehicle means any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:
 - (1) The vehicle has a gross vehicle weight rating or gross combination weight rating of **10,001** or more pounds; or
 - (2) The vehicle is designed to transport more than **15** passengers, including driver; or
 - (3) The vehicle is used in the transportation of **HM** in a quantity requiring placarding under the regulations issued by the Secretary under the Hazardous Materials Transportation Act (**49 U.S.C. app. 1801-1813**).

- e. Bus means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.
- f. School bus means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose or transporting **preprimary**, primary, or secondary school students to such schools from home or from such schools to home.

4. OBJECTIVES

- a. Remove potentially unsafe drivers and imminently hazardous vehicles from the Nation's highways.
- b. Direct attention to the provisions of the Federal Motor Carrier Safety Regulations (**FMCSRs**) and the Hazardous Materials Regulations (**HMRs**) by requiring repairs of vehicle defects and appropriate remedial action for vehicle and/or driver violations.
- c. Document violations that can be used in subsequent enforcement actions.
- d. Obtain information regarding carriers, drivers, vehicles, and cargo relative to safety and compliance with the **FMCSRs** and **HMRs**, and overall program direction and evaluation.
- e. Enforce the Financial Responsibility requirements applicable to foreign carriers.
- f. Obtain information regarding manufacturers of [DOT] specification containers and shippers that offer **HM** for transportation.

5. APPLICABLE FORMS

- a. Form **MCS-63**, Driver-Vehicle Examination Report (see Attachment **E**), is to be used to report the results of driver, vehicle, and cargo examinations. It is to be prepared even when no defects are discovered and a copy given to the driver regardless of whether or not the driver consents to sign the form.

- b. Form **MCS-63A**, Driver-Vehicle Examination Report Continuation Sheet, (see Attachment **F**), is prepared as a continuation to the **MCS-63** to record additional violations and defects.
- c. Form **MCS-64**, Out-of-Service Vehicle (see Attachment **G**), is a sticker that is affixed to a vehicle that has been placed out of service.

6. GENERAL GUIDANCE

- a. Location of Vehicle Examinations. The driver-vehicle examination will be conducted on drivers and vehicles in operation on the highways and the results recorded on Forms **MCS-63**, Driver-Vehicle Examination Report, and **MCS-63A**, Driver-Vehicle Examination Report Continuation Sheet. When vehicles are examined on a carrier's premises during a compliance review (CR), violations discovered are to be recorded on Form **MCS-151**, Part **B**, as part of the overall findings of the review.
- b. No Unnecessary Delay. The driver-vehicle examinations are to be promptly and efficiently conducted.
- c. Proper Work Attire. All safety specialists participating in driver-vehicle examinations are to be properly attired in the work apparel prescribed by the **FHWA** Regional Director.
- d. Confidential Information. Unless otherwise instructed for specific activities, motor carrier personnel are to treat all road check dates and places as confidential. Those who have a need to know may be so advised, e.g., State officials, may be advised so that their assistance may be obtained. These individuals should be requested to treat the information as confidential.
- e. Breaking Seals on Vehicles. Under the Department of Transportation Act, an authorized **FHWA** employee may break seals on motor vehicles in the course of an examination of the carrier's equipment, or for any other approved safety purpose. Under no circumstances will the U.S. Postal Service or Department of Defense

seals or locks be broken for the purpose of inspecting cargo on the vehicle. If the lading involves a seal of other U.S. Government shipments, contact must be made with the agency involved prior to removal. The safety specialist shall contact the State Director/Officer-in-Charge (SD/OIC) seeking assistance and direction in communicating with the involved agency. Self-locking seals, identified as "FHWA" together with a serial number shall be used to replace seals broken on cargo-carrying vehicles. The FHWA seals shall not be applied to vehicles not having seals, nor to vehicles with broken seals. In all cases wherein the FHWA seal is affixed to a motor vehicle, a notation shall be made on form MCS-63, "FHWA Seal No. _____ affixed to replace Seal No. ____." A witness' signature should be obtained in affixing the FHWA seal on the vehicle.

- f. Parked Vehicles. Vehicles parked on a carrier's property and ordinarily used in interstate service may be examined; however Forms MCS-63, MCS-63A, and MCS-64, Out-of-Service Vehicle sticker, are not to be used for vehicles examined on a carriers premises. The carrier should be advised informally of out-of-service conditions found. Violations discovered shall be recorded on Part B of the CR.
- g. Repair Facility Not to be Recommended. In no case will a staff member suggest, recommend, or name a specific garage to make repairs to a defective vehicle.
- i. Telephone Notice to Carriers:
 - (1) Collect telephone notice shall be given to carriers having vehicles or drivers declared out of service in the following cases:
 - (a) Vehicles transporting perishable commodities;
 - (b) Tank vehicles transporting commodities requiring temperature control;
 - (c) Vehicles transporting livestock or other living creatures, including buses; and

- (d) Vehicles transporting mail for the U.S. Postal Service (USPS). When vehicles or drivers of Highway Mail Carriers are placed out-of-service, telephonic notice of the out-of-service action shall be given both to the USPS and the motor carrier. The USPS manuals require a driver who is delayed **enroute** to contact postal personnel at the location of his/her scheduled stop. The driver can supply this information to the safety specialist.
 - (2) In telephone contacts, the carrier shall be advised that responsibility for protection of the vehicle, its cargo, accessories, and contents rests solely with the carrier. In driver out-of-service actions, the carrier should be informed that the action does not prohibit the driver from remaining on duty with the vehicle, rather the action prohibits the driver from driving a vehicle until the driver has met the requirements of the specified section. Identity of the carrier contact (name and phone number) should be recorded by the safety specialist on Form **MCS-63**.
- j. Operation of Out-of-Service Vehicle Prohibited. No consent shall be given for any vehicle with an out-of-service defect to be moved under its own power to a place of repair. There are two exceptions:
- (1) Vehicles transporting **HM** requiring the vehicle to be placarded may be escorted to a repair facility or safe parking place.
 - (2) Imminently hazardous condition is a condition which is automatically removed by disconnecting the power unit from a towed unit. When such an out-of-service power unit is operated, Form **MCS-63** must carry the notation, "Power Unit Not to be Operated in Combination with Another Vehicle Until Repaired."

- (3) There are four mechanical defect conditions for which a power unit is placed out-of-service and in which the hazard may be removed, if the vehicle is not operated in combination:
- (a) Defective coupling mechanism on the power unit;
 - (b) Defective detachable wiring cable to the trailer plug;
 - (c) Defective emergency or service brake hoses, or tubing between tractor and trailer; or
 - (d) A combination vehicle without front end structures (headerboard) or equivalent devices.

NOTE: In the above instances (a-d), form MCS-64 will not be prepared.

- k. Towing of Out-of-Service Vehicles. No consent is to **be** given for any type of vehicle to be towed to a place of repair, except by means of a towing vehicle equipped with and using a crane or hoist. A vehicle combination consisting of an emergency towing vehicle and an out-of-service vehicle shall not be operated unless such combination meets the performance requirements of **49 CFR Section 396.9**.
- l. Release of Results of Examinations. When release of information of driver-vehicle examination results is made to the press or other public media, no percentage figures or estimates of percentages are to be given. The information is to be released as the number of vehicles examined, number of vehicles placed out of service, etc.
- m. Statements from Drivers. Signed statements should be taken from drivers or other carrier personnel at the examination site when such statements are of **evidentiary** value. Such statements can develop facts difficult or impractical to obtain at a later date.

- n. Copies of Documents. Copies should be made of documents of **evidentiary** value. In many cases, the best, and sometimes only, opportunity to obtain documentary evidence is at the time of the vehicle examination.
- o. Photographic Evidence. Photographs should be taken whenever it is necessary and appropriate to establish **evidentiary** material to the facts of the violations. Photographs are good evidence to substantiate violations, such as failure to mark cargo tanks with last test date, prohibited loading combinations of **HM**, serious vehicle defects such as no brake chamber, missing parts, or similar visible defects.
- p. Financial Responsibility - Foreign Motor Carriers
 - (1) Every vehicle, subject to the Financial Responsibility requirements as specified in Section **387.9** for certain property carriers, or Section **387.33** for passenger carriers, operated within the United States by a motor carrier domiciled in a contiguous foreign country shall have on board a legible copy, in English, of the proof of the required financial responsibility used by the carrier. This proof must be Form **MCS-90**, Endorsement of Insurance or **MCS-82**, Surety Bond for Motor Carriers of Property or Form **MCS-90B**, Endorsement of Insurance or **MCS-82B**, Surety Bond for Motor Carriers of Passengers.
 - (2) Any motor vehicle, checked at a border crossing, not having the prescribed proof of financial responsibility shall be denied entry into the United States. The assistance of the U.S. Customs Service personnel is to be requested, if needed.
 - (3) When a foreign vehicle is checked at a border crossing for the sole purpose of examining for evidence of financial responsibility, Form **MCS-63**, is to be prepared to document this action. In field **12**, enter the three digit

special study number "387." If the motor vehicle is in compliance, enter the letters "NO" in the first two spaces, in field 37, as a no violation identification code, and enter "Complies with financial responsibility requirements" in the space provided for a description of violations. If the vehicle is in noncompliance, enter the violation identification code (387.7 F for a property carrier) or (387.31F for a passenger carrier) and describe the violation as "No proof of financial responsibility, in English, carried on vehicle."

- (4) Forms **MCS-63** that are completed to document only a foreign carrier's compliance with Financial Responsibility requirements are **not** to be included on Form **MCS-85**, Motor Carrier Safety Monthly Progress Report, as Driver-Vehicle Examinations. The count for this work is to be included on Form **MCS-85** in Item 105, Special Projects. On the back of this form, record the number of Forms **MCS-63** prepared for vehicles denied entry into the United States.
- (5) The roadside examination of a foreign vehicle at any location is to include a check for proof of financial responsibility on board the vehicle. Failure to have the required proof will be recorded as a violation on Form **MCS-63**. If at a location other than a border crossing, no further action will be taken with respect to this violation at the time of the examination. The **special study number is not to be recorded on the Form MCS-63 when the vehicle is also safety inspected.**

- q. Poisons and Edible Materials Loaded on Same Vehicle. If foodstuff, feed, or any other edible material intended for consumption by humans or animals is discovered in the same transport vehicle with a package bearing a poison label, the safety specialist will immediately notify the nearest office of the Food and Drug Administration of the shipment. This prohibition does not apply if the poison is being transported under an exemption allowing transportation with foodstuffs or is in an **NMFC 4000** type package. Attachment D is a copy of the informal working agreement between **OMC** and Food and Drug Administration.

- r. Trainees. Safety specialists in a trainee status **may** not place a driver or vehicle out-of-service without the approval of a supervisor.

7. PLANNING A ROADSIDE EXAMINATION

a. Selection of Check Sites

- (1) As a general rule, a check site should have a volume of commercial vehicle traffic sufficient to support the work activity.
- (2) Select check sites that will provide safe working conditions for safety specialists, truck drivers, and for other authorized personnel.
- (3) Each location selected shall have sufficient space available or reasonably adjacent to for the safe parking of vehicles placed out-of-service.
- (4) Safety specialists do **not** have police power to stop vehicles. Unless special arrangements are made with the proper law enforcement officials, it will be necessary to choose check sites where commercial vehicles are required to stop, such as a scale house or port of entry.
- (5) In view of the safety risk involved it is not recommended that vehicles be examined on the shoulder or emergency lane of an interstate or other high traffic volume highway.

b. Assistance to Drivers. Ascertain the following information for future reference:

- (1) Location and name of the check site;
- (2) Location of and approximate distance to nearest public telephone; and
- (3) Location of and approximate distance to nearest cities or towns providing:
 - (a) Taxi service, meals, lodging, and

(b) Vehicle repair facilities and wrecker service for heavy commercial vehicles.

- c. Declaring Drivers Out-of-Service. Drivers are to be declared out-of-service in accordance with the North American Uniform Driver Out-of-Service Criteria, Attachment A.
- d. Placing Vehicles Out-of-Service. Vehicles are to be placed out of service in accordance with the North American Uniform Vehicle Out-of-Service Criteria, Attachment B.

8. SELECTION OF VEHICLES FOR EXAMINATION

- a. Vehicles to be examined will be selected without **prescreening**. If the flow of traffic is such that the safety specialist has a choice of several vehicles at the **same time**, the one which has an obvious out-of-service defect or which by its general condition appears **most** likely to be defective will be selected. At other **times**, vehicles will be removed from the stream of traffic on a "first come-first serve" basis.
- b. When emphasis is to be focused on the transportation of **HM**, select placarded vehicles and other vehicles with trade names or logos that indicate the possible transportation of **HM**.
- c. A vehicle displaying a currently valid safety inspection sticker of the Commercial Vehicle Safety Alliance (**CVSA**) is to be passed through the inspection point without delay unless a defect is observed/heard which, if allowed to continue, could result in an out-of-service condition or such vehicle passes through an inspection site during the conduct of a random check.

- d. When a driver displays an **MCS-63**, which was executed within the preceding **24** hours, the safety specialist will review the document. If there are out-of-service items recorded, the safety specialist should determine whether these items have been corrected. If no **out-of-service** items were recorded during the prior examination, no obvious defects or violations exist, or out-of-service defects have been corrected, the vehicle and driver are to be released without further examination. No **MCS-63** is to be prepared.
 - (1) If out-of-service items from the prior examination have not been corrected, that fact will be documented on Form **MCS-63** and the vehicle and/or driver again placed out-of-service. Additionally, an enforcement action should be initiated against the motor carrier/driver, as appropriate.
 - (2) If an out-of-service defect or violation has developed since the prior examination and is obvious to the safety specialist, another examination is to be conducted.

9. BRAKE ADJUSTMENT

a. General Instructions

- (1) This procedure requires the measurement of push rod travel on all brakes of a vehicle or combination unit with air brakes.
- (2) The majority of air-brake equipped vehicles will have clamp type, size **30** brake chambers, except on the steering axle. Steering axle brake chambers on over-the-road power units usually have chambers smaller than size **30**.
- (3) Brake chamber push rod stroke readjustment limits must be measured at **80-90 p.s.i.** application pressure. To achieve the proper pressure in the system prior to measurement, increase the reservoir pressure with the engine running, or decrease the reservoir pressure with engine off, while applying and exhausting the brakes until **90 p.s.i.** is achieved in the reservoir. A reservoir pressure of **90 p.s.i.** will produce **80-90 p.s.i.** application pressure with the engine off.

CAUTION: Chock wheels before commencing this examination as vehicle emergency brake(a) must be off.

b. Measuring Push Rod Travel

(1) Cam Brakes. With the brakes applied by a full pressure application, measure from the face of the brake chamber to a mark made on the brake chamber push rod when the brakes were released. (A full pressure application means between **80-90 p.s.i.**)

(a) Brake chamber push rod travel that meets or exceeds the limits shown in the column headed "Maximum Stroke at Which Brakes Must be Readjusted" shown in Attachment **B**, is a condition of improper maintenance.

(2) Disc Brakes. After the brakes have been applied by a full pressure application, measure the push rod travel from the released position as described for cam brakes in paragraph **9b**.

(a) Disc brake chamber push rod travel that meets or exceeds the maximum stroke at which brakes should be readjusted is a condition of improper maintenance (Attachment **B**).

NOTE: If the air pressure goes down to less than **80 p.s.i.**, there could be "spring brake creep" giving false reading for push rod travel. Only after the safety specialist is clear of the vehicle, advise the driver to make sure it is out of gear and restart the engine to build up the air again to **120 p.s.i.**

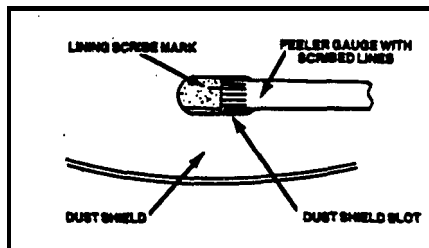
c. Wedge Brake Adjustment

(1) Wedge Brakes. With the inspection hole cover removed from the brake dust shield, check the adjustment at each wheel using the gauge illustrated below.

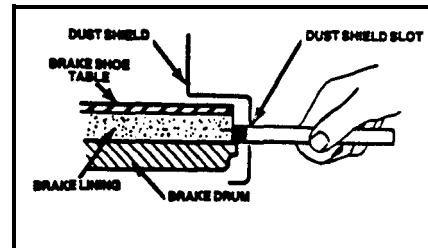
(a) Insert the flat end of the gauge into the inspection hole in the dust shield or, if there is no dust shield, midway between the ends of the shoe. Place one edge of the gauge against dust shield inspection hole or the brake drum lip with the square end against the brake lining or shoe.

- (b) With the brakes released, make a scribe mark on the brake lining or shoe opposite of the scribe lines on the gauge as illustrated below.
- (c) Movement of the scribe mark on the lining of more than $\frac{1}{16}$ inch with respect to the marks on the gauge when the brakes are applied, as illustrated below, is a condition of improper maintenance.
- (d) Failure of the brake shoes to move is a condition of improper maintenance.

Measurement Gauge and Lining Scribe Mark



Measurement of Wedge Brake Adjustment



Note: The gauge may be made of feeler gauge stock 0.025 inch X $\frac{3}{8}$ inch X 8 inch. Scribe five $\frac{1}{2}$ inch lines spaced $\frac{1}{16}$ inch apart.

10. DRIVER-VEHICLE EXAMINATION PROCEDURES

- a. Approach driver, identify yourself, and explain to the driver what you are going to do. If requested, display credentials.
- b. After establishing jurisdiction by appropriate inquiries, observe if:
 - (1) **Vehicle** is equipped with safety belt assembly;
and
 - (2) Driver was using safety belt.

- c. Park vehicle. Place chock blocks in position on the driver's side, one in front and one behind the **drive-**axle tires or between tandem axles/tires.
- d. Instruct the driver to:
 - (1) Shut the engine off (after air pressure is built up to **120 p.s.i.**), place the transmission in neutral, release all brakes; and
 - (2) Stay in the cab and not to start the engine, or apply the brakes until told to do so.
- e. Obtain from the driver the following:
 - (1) Operator's license, medical certificate, and appropriate documents to identify the carrier and vehicles (e.g., registration, lease, bill of lading, etc.).

NOTE; Check commercial driver's license and for multiple operator's licenses.

- (2) Record of duty status and driver's vehicle inspection report, if applicable.
- (3) Shipping papers, charter order, shipping manifest, etc.
- (4) Additional shipping paper requirements, if transporting **HM (49 CFR 177.817)**:
 - (a) Must be within immediate reach of the driver while restrained by a safety belt.
 - (b) If carried with other shipping papers, they must be clearly distinguished by either appearing first or by having them tabbed.
 - (c) An initial carrier must not accept **HM** unless it contains a shipper's certification (see exception **172.207(b)**).

- (d) The shipping paper must show the proper shipping name, hazard class, and identification number (in sequence) and the total quantity (weight or volume) as required by **49 CFR 172.200-172.205**.
 - (e) A hazardous waste manifest may be carried in lieu of shipping papers.
 - (f) RADIOACTIVE MATERIAL- Highway Route Controlled Quantity (additional).
 - 1 Copy of written route plan, if applicable.
 - 2 Certificate of training as per **49 CFR 177.825**.
 - (g) If a foreign vehicle, when applicable, ask for proof of financial responsibility Form **MCS-90/B** or **MCS-82/B**.
 - (h) If bus examination, check for unauthorized **HM** (see **49 CFR 177.870**).
- f. Return all documents to the driver.
- g. Advise the driver to turn ignition switch to on (engine off), turn on the headlights, and remain at the vehicle's controls. After checking all the lights, request the driver to remove the keys from the ignition.
- h. Begin mechanical examination at driver's door.

While still at the cab, ask the driver to rock the steering wheel. (If power steering, engine must be running.) While observing the steering wheel lash/**play**, check column for secure attachment.

NOTE: If a serious problem is noted in lash/play, have driver restart engine after placing transmission in neutral and recheck lash/play per out-of-service criteria.

- i. At front of vehicle check:
 - (1) Operation of windshield wipers.
 - (2) Headlamps.
 - (3) Turn signals.
 - (4) Examine for presence of **HM** placards on front of power unit/trailer, if applicable.
- j. Move to a position near or underneath front of power unit and examine:
 - (1) Steering components while driver is rocking steering wheel.
 - (2) Front suspension assembly.
 - (3) Brakes, components, and mark push rod.
 - (4) Frame and frame assemblies.
 - (5) Compressor and belts (if applicable).
- k. Moving counterclockwise around the vehicle, examine:
 - (1) Left front steering wheel, rim, fasteners, and tire.
 - (2) Fuel tank and lines.
 - (3) Connecting air hoses and tubing.
 - (4) Coupling device and components.
 - (5) Drive axle wheels, rims, fasteners, and tires.

NOTE: Check undercarriage components, both left and right sides.

- (6) Drive axle brake component:
 - (a) Brake drums (hot, cold).

- (b) Air leaks (audible).
 - (c) Hoses and tubing.
 - (d) Leaking fluids.
 - (e) Brake chambers, and mark each push rod.
 - (f) Relay valves.
 - (g) Linings or pads, if visible.
 - (h) S-cam bushings and related bushings and bearings.
- (7) Frame and frame assemblies.
- (8) Suspension assembly and other axle positioning parts.
1. Proceed toward rear of vehicle, examining **enroute**:
- (1) Proper **securement** of load, **dunnage**, and spare tire.
 - (2) Landing gear.
 - (3) Placarding, if applicable.
 - (4) Condition of frame/frame assemblies.
 - (5) Support and condition of air hoses and tubing.
- m. At left rear side, examine:
- (1) Wheels, rims, fasteners, and tires.
 - (2) Sliding axle positioning components.

NOTE: Check undercarriage components, both left and right sides.

- (3) Suspension assembly and other axle positioning parts.
- (4) Frame and cross members.

- (5) Rear axle brake components.
 - (a) Brake drums (hot, cold).
 - (b) Air leaks (audible).
 - (c) Air reservoir.
 - (d) Hoses and tubing.
 - (e) Brake chambers, and mark each push rod.
 - (f) Relay valves
 - (g) Linings, or pads, if visible.
 - (h) S-cam bushings and related bushings and bearings.
- n. At the rear of the vehicle examine:
 - (1) Stop lamps.
 - (2) Turn signals.
 - (3) Placarding, if applicable.
 - (4) Tail lamps.
 - (5) Flags and/or lights on rear of projecting loads.
 - (6) Rear end protection device.
 - (7) Note on Form MCS-63, for the benefit of the carrier, any inoperative identification or clearance lamps.
- o. Proceed up the right side of the vehicle. With exception of the undercarriage examination, repeat examination procedure outlined above. Also examine exhaust system, if applicable.

NOTE: If the vehicle includes a converter dolly, doubles, or triples, check coupling device and items specified in paragraph m. above.

p. Return to driver's cab door:

- (1) Request driver to make 80-90 p.s.i. brake application and hold it. Moving counterclockwise, go under vehicle and measure each push rod previously marked and record the measurement.

NOTE: On brake adjustment violations, mark with chalk on the lower inside portion of the nearest tire. Upon completion of the examination, safety specialist can then walk around vehicle recording violations on Form **MCS-63**.

- (2) Determine the operative condition of the low air warning signal, devices, or gauges required in the service brake system. Also check required safety equipment.

q. Cargo Tank Examination. In addition to the previously listed examination procedures, the examination of a cargo tank will ordinarily include the items listed below:

- (1) Certification plate for DOT specification.
- (2) Current retest date, if applicable (hydrostatic and/or visual).
- (3) Shut-off valve, remote control.
- (4) Emergency flow control:
 - (a) Self-closing shut-off valve.
 - (b) Self-closing automatic (heat-actuated means).
- (5) Filling and discharge manual shut-off valves, internal shut-off valves, piping and fittings, and protection from damage.
- (6) Rear bumper.
- (7) At top of tank, examine:
 - (a) Overturn protection.

- (b) Manhole assemblies and fill openings.
- (c) Presence of vents.
- (d) Hoses and tubing.
- (8) General condition of tank. Check for dents, corroded areas, rips or tears, leaks, defects in welds, and other visible conditions which indicate weakness in tank.

NOTE: On insulated tanks, check to see if the damage is in the tank or the insulation.

- (9) Placards and identification numbers:
 - (a) Appropriate placards, if required.
 - (b) Identification numbers, when required.
- r. Leakage of HM. Leaking of any product classified as HM inside or outside of a vehicle is to be handled as follows:
 - (1) Contact appropriate local enforcement official and make arrangements to park vehicle in suitable place until disposition of the matter is resolved. The vehicle is to be placed out-of-service.
 - (2) Contact the motor carrier and other appropriate Governmental agencies, if necessary, and advise the nature and extent of the leak and the location of the vehicle.
- s. Interior Examination of Buses
 - (1) Standee line or bar and sign near front requiring passenger to stay behind line when bus is in operation.
 - (2) Fire extinguisher.
 - (3) Floor free of holes or openings.

- (4) Seats securely fastened to the vehicle; no aisle seats unless they automatically fold out of the way leaving the aisle clear when not in use.
- (5) All emergency window and door exits properly labeled; operating red exit light over emergency doors.
- (6) Have driver demonstrate that emergency windows are operative.
- (7) Baggage and freight stored and secured to allow unobstructed access to all exits and protect passengers from falling cargo.

t. Examination of a Vehicle Transporting HM should be conducted pursuant to these procedures unless there is sufficient information available to require a more thorough examination.

(1) Shipping papers (49 CFR 177.817)

(2) Placarding (49 CFR 177.823)

(a) Placards representing the appropriate HM class must be displayed on each side and each end of the vehicle when:

1 Transporting **any** quantity of material which is listed in Table 1 of **49 CFR 172.504**, or

2 Transporting **1,000** pounds or more (aggregate gross weight) of materials listed in Table 2 of **49 CFR 172.504**.

(b) The placards shall be securely attached and readily visible (see exception in **49 CFR 177.823(a)**).

NOTE: Placards are not required for materials classed as **ORM A, B, C, D, E**, or when **shipping papers identify** the material as "limited quantity."

NOTE: The display of identification numbers on a placard is permitted, when applicable (**49 CFR 172.332**).

- (3) Marking (49 CFR 172.300-172.338) and Labeling (49 CFR 172.400-172.450). When visible, or deemed necessary by the safety specialist, examine the labels and markings on the packages for consistency with the information indicated by the shipping papers.
- (4) Loading (49 CFR 177.834-177.844) Compatibility/Storage Chart (49 CFR 177.848). The cargo must not be incompatible and must be loaded in accordance with specified requirements.
- (5) Tire Examination (49 CFR 397.17). When a vehicle equipped with dual tires is required to be placarded, the driver shall stop every 2 hours or **100 miles** and examine the tires.
- (6) Fire Extinguisher (49 CFR 393.95). Vehicles that are required to be placarded shall be equipped with a **10 B.C.** rated fire extinguisher which **must** be properly filled, operative, and securely mounted on the vehicle.
- (7) Additional Requirements for Specific HM
 - (a) Class A and B explosives
 - 1 No smoking on or within 25 feet of vehicle. (49 CFR 397.13)
 - 2 Route Plan. (49 CFR 397.9(b))
 - 3 Copy of Part 397. (49 CFR 397.19(a)).
 - 4 Procedures to be followed in the event of an accident.
 - (b) Radioactive Materials (RAM)
 - 1 Routing and training requirements. (49 CFR 177.825)
 - 2 Highway route controlled quantities. (49 CFR 177.825)
 - 3 Radiation level limitations. (49 CFR 173.441)

NOTE: The U.S. Department of Energy (DOE) Radiological Assistance Program provides for DOE to make radiological advice and assistance available from its resources to minimize personal injury, to minimize loss of property, to cope with radiological hazards, and to protect the public health and safety. For implementation of the program DOE has eight Regional Coordinating Offices located throughout the United States.

NOTE: The U.S. Nuclear Regulatory Commission (NRC) can provide valuable assistance in the event of a radiological incident. The NRC maintains five Regional Offices across the United States.

(c) Poisons (49 CFR 177.841)

- 1 If feed, foodstuff, or any other edible materials intended for consumption by humans or animals are discovered in the same transport vehicle with a package bearing a poison label, the safety specialist will immediately notify the nearest office of the Food and Drug Administration of the shipment unless the shipment is under a DOT exemption or is in a **NMFC 4000** type package.
- 2 No Class A poisons may be loaded into or transported in a cargo tank. (49 CFR 173.327)

NOTE: The Food and Drug Administration (FDA) professional personnel will provide advice and assistance in connection with the possible contamination of foodstuff, feed, or any other edible material intended for consumption by humans or animal. The FDA maintains offices throughout the United States.

(8) Emergency Assistance. In the event of an **emergency**, assistance may be obtained from:

Chemical Transportation Emergency Center
(CHEMTREC)
1825 Connecticut Avenue, NW
Washington, D.C. 20009
800-424-9300

(CHEMTREC is not intended to function as a general information source.)

NOTE: When approaching a vehicle, be alert for detectable odors, audible sounds, or visible leakage which may help to identify the presence of problems relating to HM.

If leakage of any HM is discovered, avoid contact of any type with the product. Request appropriate authorities to have the vehicle moved to an isolated area and notify emergency response personnel and appropriate carrier and shipper personnel who have the capability to resolve the problem.

u. Conclusion (as per North American Uniform Out-of-Service Criteria).

- (1) Place vehicle and/or driver out-of-service, if applicable.
- (2) Physically show the driver all defects listed on Form MCS-63 and instruct the driver in the disposition of Form MCS-63 and in correction of out-of-service defects or violations.
- (3) Place out-of-service vehicle(s) in a suitable location, with the out-of-service sticker completely filled out and securely attached.
- (4) Terminate the driver-vehicle examination by completing field 55.
- (5) Request driver to sign the form, give the driver the appropriate copy, and explain the certification of carrier action.
- (6) Have the driver set the parking brake and remove wheel chocks.

11. PREPARATION OF FORMS MCS-63 AND MCS-63A

a. General Instructions

- (1) Do not make entries in Fields 27, 28, and 29, "Hazardous Materials Transported," if no HM is being transported or if the vehicle is empty. If the vehicle requires placards, enter a "Y" in field 30.

- (2) The "Violation Identification" section contains a chart for recording push rod travel. The first violation is numbered **37**. Each additional violation is to be consecutively numbered, i.e., **38, 39, 40**, etc.
- (3) Make entries under "Violations Discovered" in the language relevant to the regulations. Slang expressions shall not be used to describe parts and accessories. Keep all language direct and clear and all notations legible.
- (4) All violations and defects are to be identified by the appropriate code shown in Attachment A or **B**.
- (5) In every instance involving a driver violation, enter the last name of the driver immediately before the description of the violation.
- (6) To report that a unit is not equipped with a specified part or accessory, use the term "NO," e.g., "**No** headlamp on left side."
- (7) A finding using the term "inoperative" shall be construed to mean that the vehicle was so equipped, but the device was not in operative condition. Also, an entry of a number of days following a description of the finding shall be construed to mean that interview with the driver elicited information from him that the inoperative condition had existed for at least the given number of days or period of time, e.g., "Tractor: brake on right rear drive axle inoperative **10** days."
- (8) Each Form **MCS-63** is identified by a unique number which appears in the upper left corner of the form. If a Continuation Sheet is needed, this number must be entered in the space provided in the upper left corner of the continuation sheet.

b. PROPER PREPARATION OF VARIOUS FIELDS OF FORM MCS-63

FIELD 1 - US DOT NUMBER. Enter the carrier's US DOT Number (census number).

FIELDS 2 THROUGH 7 - NAME, ADDRESS, AND ICC MC DOCKET NUMBER OF CARRIER. Enter the information requested in the fields specified on the report, do not abbreviate the name of the motor carrier, and if at all possible obtain the carrier's principal office zip code. When a carrier is domiciled in a foreign country, enter either Canada or Mexico in Field 7.

FIELD 8 - INSPECTION LOCATION. Enter the name of the nearest city or town and the two-letter abbreviation for the State where the examination is performed. For those locations where roadside checks are routinely held, enter the three-numeral code assigned to the check site. If check site is seldom or only occasionally used, leave space blank.

FIELD 9 - TYPE OF FACILITY. If facility where examination is performed has permanent scales for weighing commercial vehicles, circle letter **B**, if the facility does not, circle letter **C**.

FIELD 10 - INSPECTION TYPE. Circle appropriate number.

A. Full - an inspection that includes each of the items specified under the North American Uniform Driver/Vehicle Inspection criteria.

B. Walk Around - an inspection conducted without inspecting underneath the vehicle.

C. Driver - an examination of the driver's license, medical certification and waiver, if applicable, driver's record of duty status, as required, hours of service, seat belt, and vehicle inspection report.

D. Special Study - inspection of a onetime examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspect trend.

FIELD 11 - INSPECTION DATE. Enter the numerals representing the month, day, and year the examination is performed. For example, May 1, 1985, the date is entered as "05/01/85."

FIELD 12 - SPECIAL STUDY NUMBER. Consecutive **three-** numeral numbers will be assigned by Field Operations, Federal Programs Division (**HFO-10**) for use in special studies or special selected roadchecks performed. If a Region desires to perform a special roadcheck, contact **HFO-10** and a special study number will be assigned, enabling the extraction of data on the roadcheck through special computer runs and special reports published.

FIELDS 13 THROUGH 15 - RESERVED.

FIELD 16 - TIME STARTED. Enter the hour and minute the examination is started. Circle whether it is "**AM**" or "**PM**." **Do not use military time.**

FIELD 17 - DRIVER IDENTIFICATION. Enter the last name, first name, and middle initial of the driver of the vehicle at the time the examination was started in the spaces provided.

Enter the driver's date of birth and the two-letter abbreviation of the State issuing the driver's license in the spaces provided.

FIELD 18 - DRIVER INFORMATION. Circle the letter **A**, **B**, or **C** to show whether the driver is regularly employed, term leased (**30** days or more), or trip leased (**29** days or less) to the motor carrier.

FIELD 19 - COMMODITY TRANSPORTED. Enter the name of the commodity being transported, such as "Gasoline," "General Freight," etc. If the vehicle is empty, enter "**Empty**."

FIELDS 20 and 21 - ORIGIN AND DESTINATION. Enter the cities and States of origin and destination for the trip if the vehicle is empty, and the origin and destination cities and States for one or more of the shipments on the vehicle. This information should correspond with the shipping document information contained in Fields **23** and **24**.

FIELD 22. Circle whether operation is for-hire.

FIELDS 23 and 24 - SHIPPING PAPER NUMBER AND WHOSE DOCUMENT. Enter the shipping paper number and the name of the company who issued the document in the spaces provided. If the document was issued by the motor carrier being examined, the word "carrier's" is acceptable. If no shipping paper on board, enter "None" in appropriate boxes.

FIELD 25 - CARGO TANK INFORMATION. If the vehicle or vehicle combination consists of at least one cargo tank, enter the three numeral specification number of the first cargo tank in the vehicle combination, such as "307" or "312" in the space provided. If there is a cargo tank, but it is nonspecification, enter the letters "NON." If there is no cargo tank in the vehicle combination, leave this space blank.

FIELD 26 - EXEMPTION INFORMATION. If **HM** are being transported under an exemption, enter the exemption number in the spaces provided. Use leading zeros so that a total of four numerals are entered. For example, if the exemption number is 35, enter 0035 in the four spaces provided,

FIELDS 27, 28, and 29 - HAZARDOUS MATERIAL INFORMATION. To the left of these fields appears a listing of the various classifications of **HM**. If the vehicle is transporting up to three of the various classes of **HM**, to the right of Field(s) 27, 28, and/or 29 under the column entitled "Code," enter the letter for each classification which appears on the listing. In the column entitled "RQ," enter either the letter "Y" (yes), or "N" (no) to show whether the **HM** is a reportable quantity, and in the column entitled "HW" enter "Y" or "N" to indicate whether the material is a hazardous waste.

NOTE: If the vehicle is not transporting **HM**, leave all boxes in Fields 27, 28, and 29 blank.

FIELD 30 - PLACARDING. Enter "Y" or "N" to indicate whether the vehicle is transporting **HM** of such type or quantity requiring placards. If the vehicle includes a cargo tank which is "empty," but still requires placards enter the letter "Y."

FIELDS 31 - VEHICLE IDENTIFICATION. The information in the first four spaces to the right of the field number is required, i.e., unit type, owned or leased, make, and company unit number. The license number of the vehicle is optional depending on the intended use of the report by the **safety** specialist.

FIELDS 37 - VIOLATIONS DISCOVERED. Field 37 contains a chart for recording the push rod travel of a vehicle's brakes. Measurements are to be recorded in inches and common fractions thereof. Do not write the word inch, abbreviation or the symbol for inch. Actual measurements are to be recorded in spaces 1 through 7, as appropriate, with axle 1 being the steering axle. Do not record the type of brake measured except in the description of the violation.

NOTE: The violation identification code, based upon the 49 CFR numbering system, can be obtained from Attachment A and B. Attachment H contains all violations that can be entered in **SAFETYNET**. This list should be used as a reference guide. Use all of the code, not just part of it. For example, if false records of duty status are found, use the code **395.8E**, not just **395.8**. In the unit number column enter a numeral 1 through 6 (place in unit) obtained from the Vehicle Identification, fields **31-36**. If a driver violation is noted, the unit number is always "D."

If no violations are discovered, enter the letters "NO" in the first two spaces for the violation identification code in field 37, and enter "No violations discovered" in the space provided.

An example of a properly completed Driver-Vehicle Examination Report, **MCS-63** and **MCS-63A**, appears in **Attachments E and F**.

Designate any out-of-service action, vehicle, or driver by placing an "X" in the "out-of-service" column. It is important that only a legible "X" be placed in this column. Do not use any other mark, line, or notation. In the case of a driver or co-driver placed out of service, enter the date and time in the space provided when driving may resume.

The signature of the person preparing the report shall be entered in the space provided.

FIELD 54 - CODE. Enter the three numeral code assigned to the safety specialist. If this code is omitted, or is not **correct**, the specialist who prepared the report will not be credited with the examination.

FIELD 55 - TIME COMPLETED. Enter the hour, minute, and circle "**AM**" or "**PM**" to show when the examination was completed.

COPY RECEIVED BY. Obtain the signature of the driver or company representative whose name appears on the report. If the individual refuses to sign the report, enter "refused to sign" in this section and, if possible, have a State or Federal employee sign their name and the notation "witnessed by:" at any location on the report. In every case the driver is to be given the original of the report.

If a driver desires to record any comments on the Form **MCS-63**, relative to the driver-vehicle examination, advise the driver that such comments may be made on the back of the original copy after signing for it.

ENTERING RETURN ADDRESS INFORMATION. All Forms **MCS-63** are to be returned to:

U.S. Department of Transportation
Federal Highway Administration
Office of Motor Carrier Field Operations, **HFO-10**
400 7th Street, SW
Washington, D.C. 20590

HANDLING COPY MAILED TO CARRIER. As soon as possible after the examination is completed, the **third** copy is to be mailed to the motor carrier.

12. DISPOSITION OF DRIVER-VEHICLE EXAMINATION REPORTS

- a. Distribution Table. The table in Attachment I shows the proper distribution of the various copies of the Forms **MCS-63** and **MCS-63A** by the field office and by the Regional Office.

- b. Disposition of Pending Examination Reports. Return of the original Form **MCS-63** within 30 days from date of examination, with certification of carrier action, completes the cycle of the examination report. It is to be filed in the motor carrier's file.
- c. Review by Safety Specialists
 - (1) Safety specialists are to review all incoming copies of driver-vehicle examinations covering carriers domiciled in their territory to keep currently informed of their safety posture.
 - (2) Incoming examination reports are to be compared with any recent reports already in the carrier's file to determine the nature and extent of repeat violations. Comparison is to include identity of the vehicles and drivers to ascertain if prior noted defects and violations have been corrected.

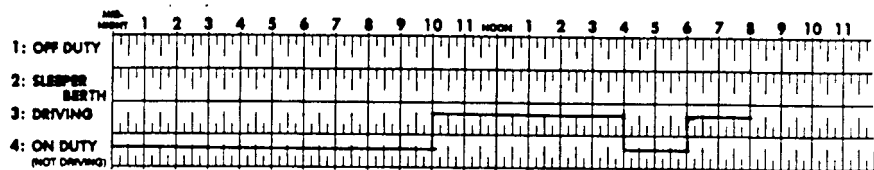
13. PROCEDURES FOR OUT-OF-SERVICE ACTIONS

- a. Procedures for Placing Drivers Out of Service.
 - (1) Examining Driver's Record of Duty Status
 - (a) The review of a driver's record of duty status will be confined to an examination for the North American Uniform **Driver-Vehicle Out-of-Service** Violations specified in this chapter.
 - (b) Drivers operating under an exemption as in Section **395.8(1)** (100 air-mile radius driver) are not required to prepare a record of duty status.
 - (c) The violation occurs after the driver has driven in excess of the maximum permitted hours.
 - (d) If the co-driver's record is readily available in the cab, examine it. However, the co-driver is not to be disturbed in the sleeper berth. If the co-driver has "excess hours," enter on Form **MCS-63** under violations discovered the following:

NOTE: Co-driver is "out of hours", may not drive until hours are available.

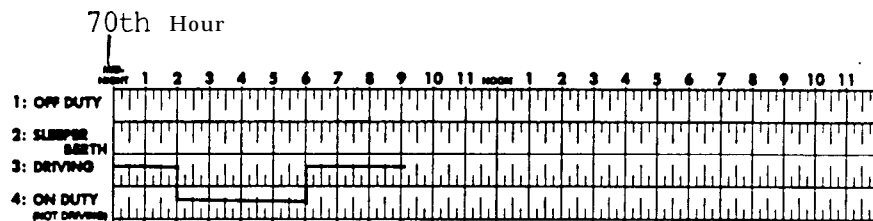
(2) Describing and Recording Hours-of-Service Violations

- (a) When writing a description of a violation of the **15-hour** rule, use the last period of time denoting the more serious violations as shown in the example below.

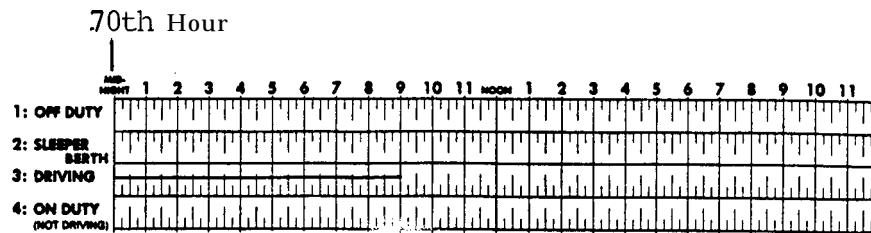


EXAMPLE: Smith: Drove for 2 hours after having been on duty and/or driving for **18** hours.

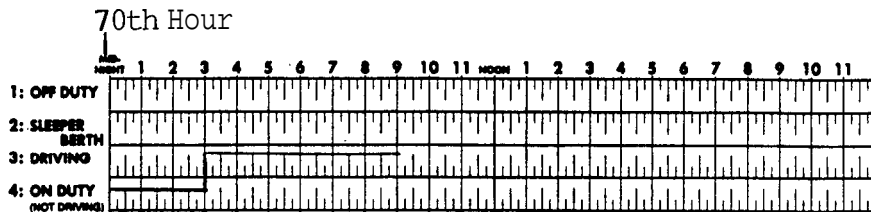
- (b) When writing the description of the violation for driving in excess of **(60 or 70)** hours in **(7 or 8)** consecutive days, use the last violation, as shown in the example below.



EXAMPLE: Smith: Drove for a period of 3 hours after having been on duty for **76** hours in 8 consecutive days.



EXAMPLE: Smith: Drove for a period of 9 hours after having been on duty **70** hours in 8 consecutive days.



EXAMPLE: Smith: Drove for a period of 6 hours after having been on duty **73** hours in 8 consecutive days.

(3) Computing Driver Out-of-Service Time

(a) Violation of **60-hour** in 7 days rule.

	Driving & On Duty Hours	Total Hours On Duty Last 8 Days	Driving Hours Available Today
Sept. 1	10	10	10
2	10	20	10
3	10	30	10
4	10	40	10
5	10	50	10
6	10	60	10
8	[10]	[70]	0
9	0	60	0
		50	10

Driver Smith was checked at 4:00 p.m. on September 7, after having driven for 10 hours (70 hours in 7 days) and was placed out-of-service for 32 hours or until 11:59 p.m. on September 8. On September 9 he will have available 10 hours driving time.

The description of the violation for Form MCS-63 is: "On September 7, 19__, Smith drove 10 hours after having been on duty 60 hours in 7 consecutive days."

(b) Violation of 70-hour in 8 days rule.

Driving & On Duty Hours		Total Hours On Duty Last 8 Days	Driving Hours Available Today
Sept.	1 10	10	10
	2 10	20	10
	3 10	30	10
	4 10	40	10
	5 10	50	10
	6 10	60	10
	7 10	70	10
	8 [10]	[80]	0
	9 0	70	0
	10	60	10

Driver Smith was checked at 4:00 p.m. on September 8, after having driven for 10 hours (80 hours in 8 days) and was placed out-of-service for 32 hours or until 11:59 p.m. on September 9. On September 10 he will have available 10 hours driving time.

The description of the violation for Form MCS-63 is: "On September 8, 19__, Smith drove 10 hours after having been on duty 70 hours in 8 consecutive days."

b. Procedures for Placing Vehicles Out of Service

- (1) **49 CFR** Section **396.9** provides that: "Authorized personnel shall declare and mark out-of-service any motor vehicle which by reason of its mechanical condition or loading would likely cause an accident or breakdown."
- (2) The criteria for determining when a vehicle is to be placed out of service under the **FMCSRs** or the **HMRs** are contained in Attachment B to this chapter.
- (3) Form **MCS-64** is to be used to mark vehicles out of service. The defect(s) or violation(s) that must be corrected before the vehicle is placed in operation is to be specified in brief form on this sticker. A specimen Form **MCS-64** is shown in Attachment **G**.
 - (a) On an out-of-service power unit, Form **MCS-64** is to be placed on the outside of the windshield (driver's side) in the driver's line of vision.
 - (b) On an out-of-service trailer, Form **MCS-64** is to be placed on the left front of the trailer at about eye level where the sticker would be easily observed by someone coupling or uncoupling the vehicle combination.
 - (c) On an out-of-service converter dolly, Form **MCS-64** is to be placed behind the tongue eye on the draw bar.
- (4) Under no circumstances will a driver whose vehicle is subject to an out-of-service action be escorted or permitted to drive the vehicle further than the nearest safe and available space for parking.
 - (a) If the vehicle is to be escorted to another location, Form **MCS-64** will not be applied until after arrival at that location.
- (5) Safety specialists may, if necessary transport the driver of the out-of-service vehicle to the nearest public telephone for the purpose of securing assistance.

**NORTH AMERICAN UNIFORM DRIVER
OUT-OF-SERVICE CRITERIA**

POLICY STATEMENT

The purpose of this part is to identify driver violations that render the commercial vehicle operator unqualified to drive or out-of-service. The necessity for all enforcement personnel to implement and adhere to these standards is: (1) a matter of law; (2) perceived as necessary by the society we are charged with protecting, and (3) a professional obligation if substantial enhancement in the safety of commercial vehicle operators is to be achieved.

Except where state, provincial or federal laws preclude enforcement of a named item, motor carrier safety enforcement personnel and their jurisdictions shall comply with these driver standards.

OUT-OF-SERVICE VIOLATION: Violations under this category preclude further operation of a commercial motor vehicle by its driver for a specified period of time or for some violations until a required condition is met. An example of the former standard is hours of service violations.

2/15/90

Attachment A
(cont'd)

2/15/07

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>	<u>ENFORCEMENT ACTION</u>
1. Driver's age	Is not at least 21 years of age interstate or foreign commercial). Also applicable to intrastate drivers transporting hazardous materials of a type or quantity requiring placards. (391.11 B1)	Remove driver.
2. Operator's license or permit	Is not licensed to operate the class and type of vehicle being operated. Out-of-service action to be initiated only upon home state license verification. (391.11 B7)	Remove driver.
3. Waiver of physical disqualification.	No waiver of physical disqualification in possession, when required. (391.49)	Remove driver.
4. Sickness or fatigue.	When so impaired that the driver should not continue the trip. (392.3)	Remove driver until no longer impaired.
5. Driver disqualification.	Driver disqualification under the provisions of (391.15).	Remove driver until requalification is established.
6. Drugs and other substances: as identified under Part 392.4(a). a. Shall not be in possession	Is in possession. (392.4)	Out-of-service for 24 hours.

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>	<u>ENFORCEMENT ACTION</u>
b. Shall not be under the influence.	Is under the influence, with probable cause. (392.4)	Out-of-service for 24 hours.
7. Intoxicating beverage.		
a. Shall not be in possession.	Is in possession. (392.5)	Out-of-service for 24 hours.
b. Shall not consume.	Has consumed within the last four hours before going on duty. (392.5)	Out-of-service for 24 hours.
c. Shall not be under the influence.	Is under the influence. (392.5)	Out-of-service for 24 hours.
8.* Driver's record of duty status.	Driving more than ten hours following eight consecutive hours off duty. (395.3 A1)	To be placed out-of-service for eight consecutive hours.
9.* Driver's record of duty status.	Driving for any period after having been on duty fifteen hours following eight consecutive hours off duty. (395.3 A2)	To be placed out-of-service for eight consecutive hours.
10.* Driver's record of duty status.	Driving after being on duty more than 60 hours in 7 consecutive days or 70 hours in 8 consecutive days. (395.3 B)	To be placed out-of-service until such time as eligibility to drive is re-established.

Attachment A
(cont'd)

2/15/90

Attachment A
(cont'd)

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>	<u>ENFORCEMENT ACTION</u>
11. Driver's record of duty status.	No record of duty status in possession when one is required. (395.8 A)	To be placed out-of-service for eight consecutive hours.
12. Driver's record of duty status.	Failing to have a record of duty status current on the day of examination and for the prior seven consecutive days. (395.8 K3)	To be placed out-of-service for eight consecutive hours.
13. Driver's record of duty status.	A record of duty status that does not accurately reflect the driver's actual activities and duty status (including time and location of each duty status change and the time spent in each duty status) in an apparent attempt to conceal a violation of an hours of service limitation. (395.8 E)	To be placed out-of-service for eight consecutive hours.

•(a) Drivers involved in sleeper berth (sleeper teams) placed out of service for "hours" violations can be replaced by a co-driver, if the co-driver has hours available to drive.

(b) A solo driver using a sleeper berth to obtain rest who exceeds the hours of service limitations shall be placed out of service until said driver has hours available to drive.

2/15/90

NORTH AMERICAN UNIFORM VEHICLE
OUT-OF-SERVICE CRITERIA

POLICY STATEMENT

The purpose of this part is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection.

OUT-OF-SERVICE CONDITION: When any motor vehicle(s) by reason of its mechanical condition or loading, is determined to be so imminently hazardous as to likely cause an accident or breakdown, or when such condition(s) would likely contribute to loss of control of the vehicle(s) by the driver, said vehicle(s) shall be placed out of service. No motor carrier shall require nor shall any person operate any motor vehicle declared and marked "out of service" until all required repairs have been satisfactorily completed.

Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to re-dispatch.

2/15/90

Attachment B
(cont'd)

2/15/90

INSPECTION ITEMOUT-OF-SERVICE CONDITION

1. Brake System.
 - a. Defective Brakes.

The number of defective brakes is equal to or greater than 20% of brakes on the vehicle or combination. A defective brake includes any brake that meets one of the following criteria: (NOTE: Steering axle brakes under 1b. -- are to be included in 20% criterion.)

- (1) Absence of braking action upon application of the service brakes (such as brake shoe(s) failing to move upon application of a wedge, S-cam, cam, or disc brake). (393.48A)
- (2) Missing or broken mechanical components including: shoes, linings, pads, springs, anchor pins, spiders, cam rollers, push-rods, and air chamber mounting bolts. (393.48A)
- (3) Loose brake components including air chambers, spiders and cam shaft support brackets. (393.48A)
- (4) Audible air leak at brake chamber, (Example - ruptured diaphragm, loose chamber clamp, etc.) NOTE: Also check under 1h. --Air Loss Rate. (396.3A1)

Attachment B
(cont'd)

2/15/90

INSPECTION ITEMOUT-OF-SERVICE CONDITION

(5) Readjustment limits. With engine off and reservoir pressure of 80 to 90 PSI with brakes fully applied.

(a) One brake at 1/4 inch or more beyond the readjustment limit. (EXAMPLE: Type 30 clamp type brake chamber push-rod measured at 2-1/4 inches would be one defective brake.) (398.3A1)

(b) Two brakes at the readjustment limit or less than 1/4 inch beyond the readjustment limit also equal one defective brake.

EXAMPLES: Clamp type 30 push-rods measure:

1 - Two at 2-1/8 inches;

2 - One at 2-1/8 inches, and one at 2 inches; or

3 - Two at 2 inches.

Each example would equal one defective brake.

(See the following chart.) (398.3A1)

Brake Adjustment. Shall not meet or exceed those specifications contained hereunder relating to "Maximum Stroke at which Brakes must be Readjusted". (Dimensions in inches.)

CLAMP TYPE BRAKE CHAMBER DATA			
TYPE	EFFECTIVE AREA (SQ. IN.)	OUTSIDE DIAMETER	MAXIMUM STROKE AT WHICH BRAKES MUST BE READJUSTED
6		4-1/2	1-1/4
9		5-1/4	1-3/8
12		5-11/16	1-3/8
16		6-3/8	1-3/4
20		6-25/32	1-3/4
24		7-7/32	1-3/4 (See note)
30		8-3/32	2
36		9	2-1/4
NOTE: 2 inches for long stroke design.			
BOLT TYPE BRAKE CHAMBER DATA			
A	12	6-15/16	1-3/8
B	24	9-3/16	1-3/4
C	16	8-1/16	1-3/4
D	6	5-1/4	1-1/4
E	9	6-3/16	1-3/8
F	36	11	2-1/4
G	30	9-7/8	2
ROTOCHAMBER DATA			
9		4-9/32	1-1/2
12		4-13/16	1-1/2
16		5-13/32	2
20		5-15/16	2
24		6-13/32	2
30		7-1/16	2-1/4
36		7-5/8	2-3/4
50		8-7/8	3
WEDGE BRAKE DATA			
Movement of the scribe mark on the lining shall not exceed 1/16 inch.			

Attachment B
(cont'd)

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INSPECTION ITEMOUT-OF-SERVICE CONDITION

(6) Brake Linings or Pads. (Except on power unit steering axles.)

(a) Lining or pad is not firmly attached to the shoe. (393.47)

(b) Saturated with oil, grease or brake fluid. (393.47)

(c) Air Brakes: Lining with a thickness less than 1/4 inch or to wear indicator if lining is so marked, measured at the shoe center for drum brakes or less than 1/8 inch for disc brakes. (393.47)

(d) Hydraulic & electric brake: Lining with a thickness 1/16" or less at the shoe center for drum brakes. (393.47)

(7) Missing brake on any axle required to have brakes. (393.42)

b. Steering Axle
Brakes.

(1) Absence of braking action at any steering axle of any vehicle required to have steering axle brakes, including the dolly and front axle of a full trailer. (393.48A)

Attachment B
(cont'd)

2/15/90

INSPECTION ITEM

OUT-OF-SERVICE CONDITION

(2) Mismatch across any power unit steering axles of:

(a) Air chamber sizes (393.48A)

(b) Slack adjuster length (393.48A)

(3) Brake linings or pads on the steering axle of any power unit:

(a) Lining or pad is not firmly attached to the shoe, (393.47)

(b) Saturated with oil, grease or brake fluid, (393.47)

(c) Lining with a thickness less than 3/16 inch for a shoe with a continuous strip of lining or 1/4 inch for a shoe with two pads for drum brakes or to wear indicator if lining is so marked, or less than 1/8 inch for air disc brakes, and 1/16 inch or less for hydraulic disc and electric brakes. (393.47)

C Parking Brakes.

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
d. Brake Drums or Rotors (Discs).	<p>(1) Drums with any external crack or cracks that open upon brake application. (NOTE: Do not confuse short hairline heel check cracks with flexural cracks.) (396.3A1)</p> <p>(2) Any portion of the drum or rotor (discs) missing or in danger of falling away. (396.3A1)</p>
e. Brake Hose.	<p>(1) Hose with any damage extending through the outer reinforcement ply. (Rubber impregnated fabric cover is not a reinforcement ply.) (Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is out-of-service.) (396.3A1)</p> <p>(2) Bulge/swelling when air pressure is applied. (396.3A1)</p> <p>(3) Hose with audible leak at other than a proper connection. (396.3A1)</p>

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(4) Two hoses improperly joined such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube. (When, at the point of the splice, hoses can be moved or separated by hand.) (393.46)
	(6) Air hose cracked, broken or crimped in such a manner as to restrict air flow. (393.45A4)
1. Brake Tubing.	(1) Tubing with an audible leak at other than a proper connection. (398.3A1)
	(2) Tubing cracked, damaged by heat, broken or crimped. (398.3A1)
g. Low Pressure Warning Device.	

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
h. Air Loss Rate.	(1) If an air leak is discovered and the reservoir pressure is not maintained when: governor is cut-in, reservoir pressure is between 80 & 90 psi, engine is at idle, and service brakes are fully applied. (396.3A1)
i. Tractor-Protection	(1) Inoperable or missing tractor protection valve(s) on power unit. (393.43)
j. Air Reservoir	
k. Air Compressor (Normally to be inspected when readily visible or when conditions indicate compressor problems.)	(2) Loose compressor mounting bolts. (396.3A1)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
l. Electric Brakes.	(3) Cracked, broken or loose pulley. (396.3A1)
	(4) Cracked, or broken mounting brackets, braces or adapters. (396.3A1)
m. Hydraulic Brakes (Including: Power Assist Over Hydraulic and Engine Drive Hydraulic Booster.)	(1) Absence of braking action on 20% or more of the braked wheels of a vehicle or combination of vehicles. (393.48A)
	(2) Missing or inoperable breakaway braking device. (393.48A)
	(1) No pedal reserve with engine running except by pumping pedal. (396.3A1)
	(2) Master cylinder less than 1/4 full. (NOTE: Normally to be inspected when readily visible or problems are apparent.) (396.3A1)
	(3) Power assist unit fails to operate. (396.3A1)
	(4) Seeping or swelling brake hose(s) under application of pressure. (396.3A1)

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(5) Missing or inoperative check valve. (386.3A1)
	(6) Missing or inoperative breakaway braking device. (383.43)
	(8) Hydraulic hose(s) abraded (chafed) through outer cover-to-fabric layer. (383.45)
	(9) Fluid lines or connections restricted, crimped, cracked or broken. (386.3A1)
n. Vacuum System	(1) Insufficient vacuum reserve to permit one full brake application after engine is shut off. (383.50)

INSPECTION ITEM

OUT-OF-SERVICE CONDITION

(2) Vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover-to-cord ply, crimped, cracked, broken or has collapse of vacuum hose(s) when vacuum is applied. (393.3A1)

2. Coupling Devices.
(When in use.)
a. Fifth Wheels.

(1) Mounting to frame.

(a) More than 20% of fasteners on either side missing or ineffective. (393.70)

(b) Any movement between mounting components. (393.70)

(c) Any mounting angle iron cracked or broken. SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20% or more original welds or parent metal. (393.70)

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(2) Mounting plates & pivot brackets.
	(a) More than 20% of fasteners on either side missing or ineffective. (383.70)
	(b) Any welds or parent metal cracked. SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20% or more original welds or parent metal. (383.70)
	(c) More than 3/8 inch horizontal movement between pivot bracket pin and bracket. (383.70)
	(d) Pivot bracket pin missing or not secured. (383.70)
	(3) Sildens.
	(a) More than 25% of latching fasteners, per side, ineffective. (383.70)
	(b) Any fore or aft stop missing or not securely attached (383.70)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	<p>(c) Movement of more than 3/8 inch between slider bracket and slider base. (383.70)</p> <p>(d) Any slider component cracked in parent metal or weld. SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20% or more original welds or parent metal. (383.70)</p> <p>(4) Lower coupler.</p> <p>(a) Horizontal movement between the upper and lower fifth wheel halves exceeds 1/2 inch. (383.70)</p> <p>(b) Operating handle not in closed or locked position. (383.70)</p> <p>(c) Kingpin not properly engaged. (383.70)</p>

Attachment B
(cont'd)

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OUT-OF-SERVICE CONDITIONINSPECTION ITEM

- (e) Cracks in fifth wheel plate.
(393.70)

SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20% or more original welds or parent metal.

EXCEPTIONS: (1) Cracks in fifth wheel approach ramps, and (2) Casting shrinkage cracks in the ribs of the body of a cast fifth wheel.

- (f) Locking mechanism parts missing, broken, or deformed to the extent the kingpin is not securely held. (393.70)

b. Pintle Hooks.

- (1) Mounting and Integrity.

- (e) Loose mounting or any missing or ineffective fasteners, loose mounting or insecure latch. (Trailer 393.70C/Driveaway 393.71)

NOTE: A fastener is not considered missing if there is an empty hole in the device but no corresponding hole in the frame and vice versa.

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(b) Cracks anywhere in the pintle hook assembly including mounting surface and frame cross member. (Trailer 393.70C/Driveaway 393.71)
	(d) Section reduction visible when coupled. NOTE: No part of the horn should have any section reduced by more than 20%. If wear can be seen when the hook and eye are coupled it is probable that either this condition or that described in c.(2)(b) exists. (Trailer 393.70C/Driveaway 393.71)
c. Drawbar Eye.	(1) Mounting and Integrity
	(a) Any cracks in attachment welds or drawbar eye. (Trailer 393.70C/Driveaway 393.71)
	(b) Any missing or ineffective fasteners. (Trailer 393.70C/Driveaway 393.71)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(c) Section reduction visible when coupled. NOTE: No part of the eye should have any section reduced by more than 20% if wear can be seen when the hook and eye are coupled it is probable that either this condition or that described in b.(2)(c) exists. (Trailer 383.70C/Driveaway 383.71)
<u>Drawbar—couple</u>	(1) Slider (power/manual). (a) Ineffective latching mechanism. (Trailer 383.70C/Driveaway 383.71) (b) Missing or ineffective stop. (Trailer 383.70C/Driveaway 383.71) (c) Movement of more than 1/4 inch between slider and housing. (Trailer 383.70C/Driveaway 383.71) (d) Any leaking air or hydraulic cylinders, hoses or chambers (other than slight oil weeping normal with hydraulic seals). (Trailer 383.70C/Driveaway 383.71)

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
e. Safety Devices.	(2) Integrity.
	(a) Any cracks. (Trailer 383.70C/Driveaway 383.71)
	(b) Movement of 1/4 inch between sub-frame and drawbar at point of attachment. (Trailer 383.70C/Driveaway 383.71)
	(1) Missing. (383.70C)
	(2) Unattached or incapable of secure attachment. (383.70C)
	(4) Improper repairs to chains and hooks including welding, wire, small bolts, rope & tape. (383.70C)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
1. Saddlemounts. (Method of Attachment)	<p>(1) Any missing or ineffective fasteners. (393.71)</p> <p>(2) Loose mountings. (393.71)</p> <p>(3) Any cracks or breaks in a stress or load-bearing member. (393.71)</p> <p>(4) Horizontal movement between upper & saddlemount halves exceeds 1/4 inch. (393.71)</p>
3. Exhaust System.	<p>(1) Any exhaust system leaking at a point forward of or directly below the driver/sleeper compartment and when the floor pan is in such condition as to permit entry of exhaust fumes. (393.83E)</p>

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	<p>(3) Any bus exhaust system leaking or discharging under the chassis more than 6 inches forward of the rearmost part of the bus when powered by a gasoline engine, or more than 15 inches forward of the rearmost part of the bus when powered by other than a gasoline engine. (393.83D)</p> <p>(4) No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle. (393.83A)</p>
4. Fuel System.	<p>(1) A fuel system with a visible leak at any point (including refrigeration or heater fuel systems). (393.67)</p>

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
5. Lighting Devices. a. When lights are required.	(1) Headlamps - The single vehicle or towing vehicle does not have at least one head lamp operative on low beam. (393.9H) (2) Lamps on Rear - Bus, truck, truck tractor, and towed vehicle (including driveway-towaway operation) not having at least one steady burning red lamp on the rear of the rearmost vehicle visible from 500 feet. (393.9T) (3) Lamps on Projecting Loads - There is not at least one operative steady burning red or amber lamp on the rear of loads projecting more than four feet beyond the vehicle body, visible from 500 feet. (393.11)
b. At Anytime - Day or Night.	(1) Does not have at least one operative stop lamp on the rear of a single unit vehicle or the rearmost vehicle of a combination of vehicles. (393.25F)

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INSPECTION ITEM

OUT-OF-SERVICE CONDITION

6. Safe Loading.

(1) Part(s) of a vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway. (392.9)

<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
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7. Steering Mechanism.

a. Steering Wheel Free Play.

(See Chart: When any of these values - inch movement or degrees - are met or exceeded, vehicle shall be placed out-of-service.) (393.209B)(For power steering systems engine must be running).

<u>Steering Wheel Diameter</u>	<u>Manual System Movement 30 Degrees Or:</u>	<u>Power System Movement*45 Degrees Or:</u>
16"	4-1/2" (or more)	6-3/4" (or more)
18"	4-3/4" (or more)	7-1/8" (or more)
20"	5-1/4" (or more)	7-7/8" (or more)
21"	5-1/2" (or more)	8-1/4" (or more)
22"	5-3/4" (or more)	8-5/8" (or more)

* For power systems, if steering wheel movement exceeds 45 degrees before steering axle tires move, proceed as follows: rock steering wheel left to right between points of power steering valve resistance. If that motion exceeds 30 degrees (or the inch movement values shown for manual steering) vehicle shall be placed out of service.

b. Steering Column.

- (1) Any absence or looseness of U-bolts(s) or positioning part(s). (393.209C)
- (2) Worn, faulty or obviously repair-welded universal joint(s). (393.209D)
- (3) Steering wheel not properly secured. (393.209C)

Attachment B
(cont'd)

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Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
c. Front Axle Beam and All Steering Components Other than Steering Column. (Including Hub)	(1) Any crack(s). (393.209D) (2) Any obvious welded repair (s). (393.209D)
d. Steering Gear Box	(1) Any mounting bolt(s) loose or missing. (393.209D) (2) Any crack(s) in gear box or mounting brackets. (393.209D)
e. Pitman Arm.	(1) Any looseness of the pitman arm on the steering gear output shaft. (393.209D)
f. Power Steering.	(1) Auxiliary power assist cylinder loose. (393.209E)
g. Ball and Socket Joints.	(1) Any movement under steering load of a stud nut. (393.209D) (2) Any motion, other than rotational, between any linkage member and its attachment point of more than 1/4 inch. (393.209D)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
h. Tie Rods and Drag Links.	(1) Loose clamp(s) <i>a</i> clamp bolt(s) <i>on</i> tie rods or drag links. (393.209D) (2) Any looseness in any threaded joint. (393.209D)
i. Nuts.	(1) Loose or missing on tie rods, pitman arm, drag link, steering arm or tie rod arm. (393.209D)
j. Steering System.	(1) Any modification or other condition that interferes with free movement of any steering component. (393.209D)
8. Suspension.	
a. Axle Parts/Members.	(1) Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position. (393.207A) NOTE: After a turn, lateral axle displacement is normal with some suspensions. Forward or rearward operation in a straight line will cause the axle to return to alignment.

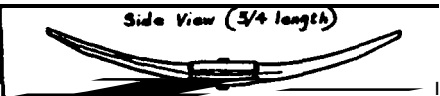


Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
b. Spring Assembly.	(1) One-fourth or more of the leaves in any leaf spring assembly broken or missing. (393.207C)
	(2) Any broken main leaf in a leaf spring. (393.207C)
	(3) Coil spring broken. (393.207D)
	(4) Rubber spring missing. (393.207A)
	(5) One or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum or frame. (393.207C)
	(6) Broken torsion bar spring in torsion bar suspension. (393.207E)
	(7) Deflated air suspension, i.e., system failure, leak, etc. (393.207F)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
c. Composite Trailer Springs.	<p>(1) If a crack extends beyond $3/4$ the length of the spring, or if cracks, regardless of length, are visible on either side, and the top or bottom of the spring. (See illustrations.)</p> <p>NOTE: A crack is a separation in any side which passes completely through the spring.</p> <div><p>Side View ($3/4$ length)</p><p>Top View</p><p>Side View</p></div>

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
a. Torque, Radius or Tracking Components.	(1) Any part of a torque, radius or tracking component assembly or any part used for attaching same to the vehicle frame or axle that is cracked, loose, broken or missing (including missing bushings but not loose bushings in torque or track rods). (393.207A)
9. Frame.	
a. Frame Members.	(1) Any cracked, loose, sagging or broken frame member permitting shifting of the body onto moving parts or other condition indicating an imminent collapse of the frame. (393.201A)
	(2) Any cracked, loose or broken frame member adversely affecting support of functional components such as steering gear, fifth wheel, engine, transmission, body parts and suspension. (393.201A)
	(3) One and one-half inches or longer crack in frame web which is directed toward bottom flange. (393.201A)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(4) Any crack extending from the frame web around the radius and into the bottom flange. (393.201A)
	(5) One inch or longer crack in bottom flange. (393.201A)
b. Tire and Wheel Clearance.	(1) Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies, at the time of inspection (393.3A1)
c. Adjustable Axle.	(1) Adjustable axle assembly (sliding sub frame) with more than one-fourth of the locking pins missing or not engaged. (393.201B)
	(2) Locking bar not closed or not in the locked position. (393.201B)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
0. Tires	
a. Any Tire On Any Steering Axle Of a Power Unit.	
	(1) With less than 2/32 inch tread when measured in any two adjacent major tread grooves at any location on the tire. (393.75B)
	(2) When any part of the breaker strip or casing ply is showing in the tread. (393.75A)
	(3) When sidewall is cut, worn or damaged to the extent the ply cord is exposed. (393.75A)
	(4) Labeled "Not For Highway Use" or carrying other markings which would exclude use on steering axle. (393.3A1)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(9) Visually observable bump, bulge or knot apparently related to tread or side-wall separation. (396.3A1)
	(12) Tire is flat or has noticeable (e.g., can be heard or felt) leak. (393.75F4)

Attachment B
(cont'd)

2/15/90

INSPECTION ITEM

- b. All tires other than those found on the steering axle of a powered vehicle.

OUT-OF-SERVICE CONDITION

- (14) So mounted or inflated that it comes in contact with any part of the vehicle. (383.3A1)

- (2) Tire is flat or has noticeable (e.g., can be heard or felt) leak. (383.75F4)

- (3) Bias Ply Tire: When more than one ply is exposed in the tread area or sidewall or when the exposed area of the top ply exceeds 2 square inches. Note: On dual wheels, both tires must meet this condition. (383.75A)

Attachment B
(cont'd)

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(5) Radial Ply Tire: When two or more
plies are exposed in the tread area or
damaged cords are evident in the sidewall
or when the exposed area exceeds 2 square
inches, tread or sidewall. Note: On dual
wheels, both tires must meet this condition.
(393.75A)

(7) Any tire with visually observable
bump or knot apparently related to tread
or sidewall separation. (396.3A1)
(8) So mounted or inflated that it comes
in contact with any part of the vehicle.
(This includes any tire contacting its mate
in a dual set.) (396.3A1)

~~OUT-OF-SERVICE CONDITION~~

~~INSPECTION ITEM~~

Attachment B
(cont'd)

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INSPECTION ITEM

OUT-OF-SERVICE CONDITION

11. Wheels and Rims.

- (1) Lock or Side Ring. Bent, broken, cracked, improperly seated, sprung or mismatched ring(s). (393.205A)
- (2) Rim Cracks. Any circumferential crack except an intentional manufactured crack at a valve stem hole. (393.205A)
- (3) Disc Wheel Cracks.
 - (a) Any single crack 3" or more in length.
 - (b) A crack extending between any two holes including hand holes, stud holes, and center hole.
 - (c) Two or more cracks any place on the wheel. (393.205A)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	(4) Stud Holes (disc wheels). 50% or more elongated stud holes (fasteners tight). (393.205B)
	(5) Spoke Wheel Cracks:
	(a) Two or more cracks more than 1 inch long across a spoke or hub section. (393.205A)
	(b) Two or more web areas with cracks. (393.205A)
	(6) Tubeless Demountable Adapter Cracks. Cracks at three or more spokes. (393.205A)
	(7) Fasteners. Loose, missing, broken, cracked, or stripped (both spoke and disc wheels) ineffective as follows: for 10 fastener positions: 3 anywhere, 2 adjacent; for 8 fastener positions or less (including spoke wheels and hub bolts): 2 anywhere. (393.205C)
	(8) Welds.
	(a) Any cracks in welds attaching disc wheel disc to rim. (393.205A)

Attachment B
(cont'd)

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<u>INSPECTION ITEM</u>	<u>OUT-OF-SERVICE CONDITION</u>
	<p>(b) Any crack in welds attaching tubeless demountable rim to adapter. (393.205A)</p> <p>(c) Any welded repair on aluminum wheel(s) on a steering axle. (396.3A1)</p> <p>(d) Any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle. (396.3A1)</p>
12. Windshield Glazing.	
13. Windshield Wipers.	<p>(1) Any power unit that has an inoperative wiper or missing or damaged parts that render it ineffective on the driver's side. (Applicable only in inclement weather requiring use of windshield wipers.) (393.78)</p>

Attachment B
(cont'd)

**NORTH AMERICAN UNIFORM HAZARDOUS MATERIALS
OUT-OF-SERVICE CRITERIA**

POLICY STATEMENT

The purpose of this part is to provide criteria for the abatement of unsafe conditions. Unsafe conditions may fall under one of the two following categories:

OUT-OF-SERVICE CONDITION: Violations categorized in this Appendix as "Out-of-Services" shall not be allowed to continue in commerce until the unsafe condition is corrected and the shipment complies with Title 49 Code of Federal Regulations. If safety may be jeopardized by an out-of-service action at the inspection site, the vehicle(s) may be escorted to a safer location.

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Attachment B
(cont'd)

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<u>INSPECTION ITEMS</u>	<u>REQUIREMENTS</u>	<u>OUT-OF-SERVICE CONDITION</u>
1. Shipping papers - general	a. Present when required	
2. Waste Manifest	a. Present when required.	
3. Placarding	a. Present when required. b. Number and type of placards.	a. No placards. (177.823)
4. Cargo tanks	a. Internal valve (missing) b. Internal valve (open) c. Cargo tank authorization	

Attachment B
(cont'd)

2/15/90

<u>INSPECTION ITEMS</u>	<u>REQUIREMENTS</u>	<u>OUT-OF-SERVICE CONDITION</u>
	d. Manhole covers and discharge valve.	d. Any tank top opening not equipped with required closure. (171.33)
	e. Cargo tank integrity.	e. Hazardous materials leaking from a cargo tank. (173.24)
5. Cargo Tank Markings	a. The required ID numbers must be displayed on the cargo tank. The ID numbers may be displayed on orange panels or incorporated with the placards. (See exception 49 CFR 172.336(c) (2) and (3). b. For specification cargo tanks MC330, 331 and 338, each end, each side must be marked with the proper shipping name or appropriate common name for the material such as "refrigerant gas" when transporting a compressed gas.	
6. Required markings for vehicles which meet the definition of Bulk Packaging.	a. Must be marked on two sides with the ID number if 1,000 gallons or less, and four sides if more than 1,000 gallons.	

Attachment B
(cont'd)

2/15/90

OUT-OF-SERVICE CONDITION
a. Hazardous material leaking in or from a package. (173.24)

REQUIREMENTS
a. Package integrity.

a. Blocking and bracing.

b. Product compatibility

c. Poison/edible materials.

INSPECTION ITEMS
7. Packaging
8. Loading and Securement

<u>INSPECTION ITEMS</u>	<u>REQUIREMENTS</u>	<u>OUT-OF-SERVICE CONDITION</u>
	d. Poisons, poison gas, irritant.	d. Transporting a package bearing a poison, poison gas, or irritant label in the driver compartment or sleeper berth of a motor vehicle. (177.834)
	e. Hazardous materials in passenger carrying vehicle.	
NOTE FOR ITEM NO. 8 (c): When initiating an out-of-service action, contact proper health authority within your jurisdiction.		
9. Forbidden items: (Common carriers)	a. Forbidden materials.	a. Liquid nitroglycerin, desensitized liquid nitroglycerin and diethylene glycol dinitrate. (177.821)
10. Forbidden items: (All carriers)	a. Forbidden materials.	a. See the Hazardous Materials Table, Part 172.101. (177.821)
11. Radioactive materials radiation levels.	a. Measured at surface of vehicle.	

2/15/90

<u>INSPECTION ITEMS</u>	<u>REQUIREMENTS</u>	<u>OUT-OF-SERVICE CONDITION</u>
	b. Measured at 2 meters from surface.	
	c. Measured in driver's compartment.	

NOTES FOR ITEM 11:

- 1) 11(c) not applicable to a private carrier whose driver is participating in a dosimetry program (173.441(b)(4)).
- 2) When initiating out-of-service action, contact the appropriate health physics, or radiation regulatory agency with jurisdiction.

- | | |
|---|--|
| 12. Highway route controlled radioactive materials. | |
| a. Route plan. | Route plan shall be in possession. |
| 13. Route plan for Class A or B explosives. | Route plan shall be in possession for Class A or B explosives. |
| 14. Required documents for explosives A or B shipments. | Instructions and documents for explosives A and B. |

Attachment B
(cont'd)

15/80

OUT-OF-SERVICE CONDITION

INSPECTION ITEMS **REQUIREMENTS**

- 15. Special instruction for flammable cryogenic liquid shipments Special instructions shall be in possession.
- 16. Required dangerous goods training certificate. (Canada) Training certificate shall be in possession.

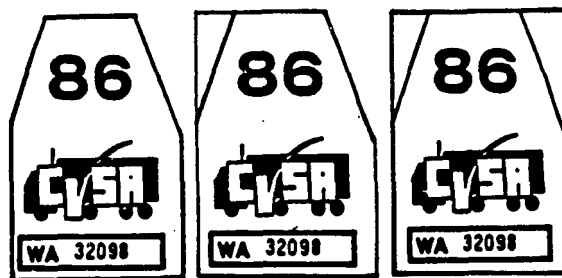
COMMERCIAL VEHICLE SAFETY ALLIANCE

Many agencies responsible for administering and enforcing safety law and regulations applicable to heavy commercial vehicles have united for the purpose of promoting an improved level of safety in the motor carrier industry. This is accomplished through a standardized roadside vehicle inspection procedure and **out-of-service** criteria. The Commercial Motor Vehicle Safety Alliance (**CVSA**), consisting of a coalition of various agencies in member States and Canadian Provinces, is the primary example of such a union.

A uniform safety inspection decal has been adopted by **CVSA**. This **CVSA** decal on vehicles, for the most part, allows them to pass through all member States, Provinces, and some nonmembers' jurisdictions without further inspection during the **90-day** period following the inspection. A vehicle or combination unit inspected and passed under the **CVSA** criteria qualifies the power unit and the towed units for decals. The decal is affixed to the lower outside corner of the passenger's side of the windshield.

The design of the decal is show below together with the code denoting the month of issue.

<u>1st Month of Quarter</u>	<u>2nd Month of Quarter</u>	<u>3rd Month of Quarter</u>
Both upper corners removed	Upper right corner removed	No corners removed



1st Quarter
2nd Quarter
3rd Quarter
4th Quarter

International-Green
International-Yellow
International-Orange
International-White

Attachment C
(cont'd)

Decals remain valid for a period not to exceed three consecutive months. The quarter in which an inspection is performed is indicated by the color of the decal issued.

<u>Inspection Period</u>	<u>Color Code</u>
January, February, March	International Green
April, May, June	International Yellow
July, August, September	International Orange
October, November, December	International White



DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
BUREAU OF MOTOR CARRIER SAFETY
WASHINGTON, D.C. 20590

Mr. Joseph Hile
Food and Drug Administration
Public Health Service
Department of Health, Education,
and welfare
Rockville, Maryland 20857

Dear Mr. Hile:

This refers to your letter of June 9 suggesting an informal working agreement between your agency and the Federal Highway Administration's Bureau of Motor Carrier Safety concerning the safe transportation of foodstuffs and other edible materials.

Please let this letter serve as the Bureau of Motor Carrier Safety's agreement to the following items:

1. The Bureau of Motor Carrier Safety and the Food and Drug Administration (FDA) will make available to each other a listing of field officer and personnel and will keep this listing current.
2. When a Motor Carrier Safety Investigator has reason to believe that a shipment of foodstuffs or other edible material has become contaminated, he will immediately contact the nearest PM office.
3. When contacted, FDA will dispatch an investigator to the location of request as soon as possible.

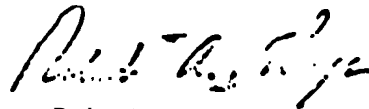
Enclosed for your use is a listing of Bureau of Motor Carrier Safety field staff personnel and office locations.

Attachment D
(cont'd)

The person responsible for liaison and updating this listing is **Mr. A.R. McAndrew**, Chief Compliance Division, telephone **202-426-1724**.


As soon as possible please furnish **a** listing of your field office locations and personnel, **and the** responsible liaison **person** in your **agency**.

Sincerely your,

A handwritten signature in dark ink, appearing to read "Robert A. Kaye", written in a cursive style.

Robert A. Kaye
Director

Enclosure

 U.S. Department of Transportation Federal Highway Administration Office of Motor Carrier Field Operations DRIVER VEHICLE EXAMINATION REPORT NO.: 080152		1. US DOT NO. 999999	2. NAME OF MOTOR CARRIER Frigid Trucking Company	
		3. STREET ADDRESS 321 Permafrost Street		4. ICC NO. 183456
5. CITY Anywhere		6. STATE YT	7. ZIP CODE Canada	
8. INSPECTION LOCATION Hudson WI 61		9. TYPE OF FACILITY A. CARRIER'S TERMINAL B. ROADSIDE C. OTHER		10. HALVED 1. Full 2. Walk Around 3. Driver 4. Special Study
11. INSPECTION DATE 11 01 89		12. SPECIAL STUDY NO.		13. (RESERVED)
14. (RESERVED)		15. (RESERVED)		16. TIME STARTED 2 00 AM
17. DRIVER IDENTIFICATION Smith John A 02 22 64 YT		18. DRIVER IS: A. EMPLOYED B. TERM LEASED C. TRIP LEASED		19. FOR HIRE? A. YES B. NO
20. COMMODITY TRANSPORTED Explosives Class A		21. ORIGIN A. Aardvark S.M.E. (CITY)		22. DESTINATION A. Calgary B. AB (STATE)
23. SHIPPING PAPER NO. 789234		24. WHOM DOCUMENT Sig Boom Co.		25. IF CARGO TANK, ENTER MC SPEC OR "NON"
26. IF H.M. BEING TRANSPORTED UNDER EXEMPTION, ENTER "E" NUMBER.				
HAZARDOUS MATERIALS TRANSPORTED Y = YES N = NO CODE RG7 HW7 27 A N N 28 29		VEHICLE IDENTIFICATION UNIT NUMBER UNIT TYPE OWN. LEND MAKE CO. NUMBER LICENSE NO. & STATE 31 1 TT A KW 234 14-832 IT 32 2 ST B Serick 567 15-904-IT 33 3 34 4 35 5 36 6		
PLACARDS REQUIRED? 30 Y		Unit Type: TR = Straight Truck TT = Tractor Trailer ST = Semi Trailer PT = Pole Trailer FT = Flat Trailer DC = Dump Container BU = Bus OT = Other OWN/LEND: A = Owned B = Term Leased C = Trip Leased		
		BRAKE ADJUSTMENT RIGHT: 1 3/4 2 1/4 2 1/4 1 3/4 1 3/4 FRONT: AXLE 1 AXLE 2 AXLE 3 AXLE 4 AXLE 5 AXLE 6 AXLE 7 LEFT: 1 3/4 1 7/8 1 7/8 2 1/2 1 7/8		
NO. VIOLATION IDENTIFICATION UNIT NO. OUT OF SVC				
37 3.9.6.3.E		X Tractor/trailer: All brake chambers, clamp type 30.		
		3 brakes out of 10 exceed readjustment limit. (See above chart for brakes out of adjustment.)		
SEE CONTINUATION SHEET YES NO				
VEHICLE/DRIVER OUT OF SERVICE ORDER				
Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 392.9, I hereby declare vehicles with defects followed by an "X" in the "Out of Service" column in the violations discovered section of this report Out of Service. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service stickers have been removed and the vehicles have been returned to safe operating condition. Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 392.13, I hereby certify and declare the driver named on this report Out of Service. No motor carrier shall permit or require this driver to drive or operate any motor vehicle until: 11:59 P.M., November 3, 1989				
REPORT PREPARED BY: K.Z. Rider		64. CODE 222	65. TIME COMPLETED 2 45 AM	COPY RECEIVED BY: John A. Smith
NOTE TO DRIVER: This report must be forwarded to the motor carrier whose name appears at the top of this report. NOTE TO MOTOR CARRIER: Please sign the below certification and return this report to the address which appears on the other side of this report within fifteen days. The undersigned certifies that all violations noted on this report have been corrected and action has been taken to ensure compliance with the Federal Motor Carrier Safety and Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers.				
SIGNATURE OF CARRIER OFFICIAL		TITLE		DATE SIGNED

FORM MCS-92 (Rev. 1-88)

(ORIGINAL)

U.S. GOVERNMENT PRINTING OFFICE: 1988-404-000

[illegible]

OUT-OF-SERVICE VEHICLE

№ 81601

This motor vehicle has been declared

UNSERVICEABLE

by the

**BUREAU OF MOTOR CARRIER SAFETY
FEDERAL HIGHWAY ADMINISTRATION**

This vehicle is NOT to be operated until repaired

This sticker shall be removed only under the conditions stated on the "Out-of-Service Notice." Unauthorized removal shall make the person responsible liable to fine under Section 11914(b), Title 49, United States Code. The repairs listed below must be completed before this vehicle may be operated.

Tractor/trailer combination: Brakes **must** be adjusted to within tolerances.

Trailer: **Repair** left turn **signal** to **operative** condition.

MCS-63 Inspection No. 080152

Date of Inspection 11/01/89

SIGNATURE E. Z. Rider

SAFETYNET INSPECTION **SYSTEM** VERSION **3.00**
LIST OF ACCEPTABLE VIOLATIONS

VIOLATION	DESCRIPTION	MCSAP CATEGORY
• 78.3213	FUSIBLE LINK - 300	Tank Shutoff
•78.321I	INTERNAL VALVE - 300	Tank shutoff
•78.321R	REM CONTROL SHUTOFF - 300	Tank shutoff
78.321-12	PROTECT/SHEAR - 300	Tank shutoff
78.321-7	OVERTURN PROTECTION - 300	Other HM Violation
*78.322F	FUSIBLE LINK - 301	Tank Shutoff
*78.322I	INTERNAL VALVE - 301	Tank shutoff
*78.322R	REM CONTROL SHUTOFF - 301	Tank shutoff
78.322-22	PROTECT/SHEAR - 301	Tank Shutoff
78.322-24	OVERTURN PROTECTION - 301	Other HM Violation
• 78.3231	FUSIBLE LINK - 302	Tank Shutoff
*78.323I	INTERNAL VALVE - 302	Tank Shutoff
•78.323R	REM CONTROL SHUTOFF - 302	Tank shutoff
78.323-12	PROTECT/SHEAR - 302	Tank Shutoff
78.323-7	OVERTURN PROTECTION - 302	Other HM Violation
• 78.324?	FUSIBLE LINK - 303	Tank Shutoff
*78.324I	INTERNAL VALVE - 303	Tank Shutoff
•78.324R	REM CONTROL SHUTOFF - 303	Tank shutoff
78.324-12	PROTECT/SHEAR - 303	Tank Shutoff
78.324-7	OVERTURN PROTECTION - 303	Other HM Violation
78.325-12	PROTECT/SHEAR - 304	Tank shutoff
78.325-7	OVERTURN PROTECTION - 304	Other HM Violation
• 78.3261	FUSIBLE LINK - 305	Tank shutoff
• 78.326I	INTERNAL VALVE - 305	Tank shutoff
•78.326R	REM CONTROL SHUTOFF - 305	Tank Shutoff
78.326-12	PROTECT/SHEAR - 305	Tank Shutoff.
78.326-7	OVERTURN PROTECTION - 305	Other HM Violation
78.330	INTERNAL VALVE - 310	Tank shutoff
78.330-12	PROTECT/SHEAR - 310	Tank shutoff
78.331	INTERNAL VALVE - 311	Tank shutoff
78.331-12	PROTECT/SHEAR - 311	Tank Shutoff
78.331-7	OVERTURN PROTECTION - 311	Other HM Violation
171.2	HAZMAT (GENERAL REQUIREMENTS)	Other HM Violation
171.3	HAZARDOUS WASTE (GENERAL REQ)	Other HM Violation
172.200	SHIPPING PAPERS (GENERAL)	Shipping Paper
172.201	SHIPPING PAPERS - HM LISTING	Shipping Paper
172.202	SHIP PAPER NM/HM CL/ID NO/QTY	Shipping Paper
172.203	ADDITIONAL SHIPPING PAPER DESC	Shipping Paper
172.205	HAZARDOUS WASTE MANIFEST	Shipping Paper
172.300	MARKING REQUIREMENT (GENERAL)	Other HM Violation
172.301	MARK UNDER 110 GAL (GENERAL)	Other HM Violation
172.310	RAN MARKING	Other HM Violation
172.324	HAZARDOUS SUBSTANCE MARKING	Other HM Violation
172.326	PORTABLE TANK MARKING	Other HM Violation

Attachment H
(cont'd)

VIOLATION -----me-----	DESCRIPTION -----	MCSAP CATEGORY -----
172.326	ID NUMBER ON CARGO TANK	Other HM Violation
172.328C	SHIP/COMMON NAME 330, 331, 338	Other HM Violation
172.328D	QT/NQT - 330, 331	Other HM Violation
172.331	ID NUMBER BULK PACKAGES	Other HM Violation
172.400	LABELING REQUIREMENTS	Other HM Violation
172.402	MULTIPLE LABELING	Other HM Violation
172.403	RAM LABELING	Other HM Violation
172.406	LABEL PLACEMENT	Other HM Violation
172.500	PLACARDING (GENERAL)	Improper Placarding
172.502	PROHIBITED PLACARDING	Improper Placarding
172.504	REQUIRED PLACARDS	Improper Placarding
172.505	INHALATION PLACARD	Improper Placarding
172.514	CARGO TANK PLACARDS	Improper Placarding
172.516	VISIBLE/DISPLAY PLACARD	Improper Placarding
173.1090	ASBESTOS PACKAGING	Other HM Violation
173.22A	DOT EXEMPT REQUIREMENTS	Other HM Violation
173.24	PACKAGE INTEGRITY	Other HM Violation
173.26	QUANTITY LIMITATION	Other HM Violation
173.3	PACKAGING (GENERAL)	Other HM Violation
173.315	FILL DENSITY	Other HM Violation
173.315K	NON SPEC VESSEL ASME REQ	Other HM Violation
173.315M	NON SPEC NURSE TANK REQ	Other HM Violation
173.318	ONE-WAY TRAVEL TIME (OWTT)	Other HM Violation
173.32	QUALIF. OF PORTABLE TANKS	Other HM Violation
173.32A	IM PORTABLE TANK REQUIRE	Other HM Violation
173.32B	VISUAL INSP IX PORT TANKS	Other HM Violation
173.33	CARGO TANKS (GENERAL)	Other HM Violation
173.33A	NO SPECIFICATION PLATE	Container Specs
173.33B	OVERTURN PROTECTION (GENERAL)	Other HM Violation
173.34	CYLINDER QUALIFICATION	Other HM Violation
173.425	RAM LSA PACKAGING REQUIREMENT	Container Specs
173.441	RAM RADIATION LEVEL REQUIREMENT	Other HM Violation
173.510	PCB PACKAGING REQUIREMENT	Other HM Violation
177.800	FAIL TO INSTRUCT DRIVER ON HM	Other HM Violation
177.801	PACKAGE PROPER CONDITION	Other HM Violation
177.802	HM (GENERAL TRANSPORT)	Other HM Violation
177.817	SHIPPING PAPERS REQUIRED	Shipping Paper
177.817A	NO SHIPPING PAPERS	Shipping Paper
177.817E	SNIPPING PAPER NOT ACCESSIBLE	Shipping Paper
177.818	FLAMMABLE CRYOGENICS INSTRUCT	Other HM Violation
177.821	FORBIDDEN MATERIALS	Other HM Violation
177.821A	FORBIDDEN MAT (COMMON CARRIER)	Other HM Violation
177.823	NO PLACARDS	Improper Placarding
177.824H	TANK TEST DATE	Cargo Tank
177.825	RAM ROUTE PLAN/TRAINING	Other HM Violation
177.834	LOAD SECURE BLOCK/BRACE	Block on Brace
177.834G	MOVEMENT BETWEEN PACKAGE	Block on Brace
177.834I	ATTEND WHILE LOADING/UNLOADING	Other HM Violation

Attachment H
(cont'd)

VIOLATION	DESCRIPTION	MCSAP CATEGORY
177.837	FLAMMABLE LIQUID MANHOLE/VALVE	Other HM Violation
177.839	CORROSIVE MANHOLE/VALVE	Other HM Violation
177.840	COMPRESSED GAS IN TRANSIT	Other HM Violation
177.841	TRAN POISON/GAS DRV COMP/SLEEP	Other HM Violation
177.841D	POISON MANHOLE/VALVE	Other HM Violation
177.841E	POISON/EDIBLE MATERIAL	Other HM Violation
177.842	RAM TRANSPORT INDEX	Other HM Violation
177.842B	TRANS. RAM DISTANCE REQ	Other HM Violation
177.842D	RAN BLOCK/BRACE	Block on Brace
177.848	PROHIBITED COMBINATION OF HM	Other HM Violation
177.854	DAMAGED CONTAINER NOT REPAIRED	Other HM Violation
177.870	HAZMAT IN PASSENGER VEHICLE	Other HM Violation
178.337-10A	OVERTURN PROTECTION - 331	Other HM Violation
178.337-10D	REAREND PROTECTION - 331	Other HM Violation
*178.337-11F	FUSIBLE LINK - 331	Tank Shutoff
*178.337-11I	INTERNAL VALVE -331	Tank Shutoff
*178.337-11R	REM CONTROL SHUTOFF - 331	Tank Shutoff
178.337-12	PROTECTION/SHEAR - 331	Tank Shutoff
178.338-10A	OVERTURN PROTECTION - 338	Other HM Violation
178.338-10C	REAREND PROTECTION - 338	Other HM Violation
178.338-12	PROTECTION/SHEAR - 338	Tank Shutoff
178.340-8B	REAREND PROTECT-306, 307, 312	Other HM Violation
178.340-8C	OVERTURN PROTECT-306, 307, 312	Other HM Violation
178.340-8D	PROTECT/SHEAR-306, 307, 312	Tank Shutoff
*178.341-5F	FUSIBLE LINK - 306	Tank Shutoff
0 178.341-6I	INTERNALVALVES - 306	Tank Shutoff
*178.341-5R	REMOTE CONTROL SHUTOFF - 306	Tank Shutoff
178.341-8D	PROTECT/SHEAR - 306	Tank Shutoff
*178.342-5F	FUSIBLE LINK - 307	Tank Shutoff
*178.342-5I	INTERNALVALVES - 307	Tank Shutoff
*178.342-5R	REMOTE CONTROL SHUTOFF - 307	Tank Shutoff
178.343-5	INTERNALVALVE - 312	Tank Shutoff
383.21A	MORE THAN 1 LICENSE	Other Driver Viol
387.7F	PROOF OF FINANCIAL RESPONSBLTY	Other Driver Viol
390.21	DOT NUMBER ON TRUCK	Other VehDefects
391.11B1	DRIVER UNDER 21	Other Driver Viol
391.11B2	NON ENGLISH SPEAKING DRIVER	Other Driver Viol
391.11B7	DRIVING WITHOUT ALICENSE	Other Driver Viol
391.15	DRIVER DISQUALIFIED	other Driver viol
391.41	NO MEDICAL CERTIFICATE	Medical Certificate
391.43E	IMPROPER MEDICAL CERTIFICATE	Medical Certificate
391.45	MEDICAL CERTIFICATE INVALID	Medical Certificate
391.49	NO MEDICAL WAIVER	Medical Certificate
392.16	USE SEAT BELT	Other Driver Viol
392.1A	DRIVER VIOLATION (GENERAL)	Other Driver viol
392.2	LOCAL LAWS	Other Driver Viol
392.3	DRIVER ILL/FATIGUED	Other Driver Viol
392.4	DRIVER HAS/USE DRUG	Other Driver Viol

Attachment H
(cont'd)

VIOLATION	DESCRIPTION	MCSAP CATEGORY
392.5	DRIVER HAS/USE ALCOHOL	Other Driver Viol
392.60	UNAUTHORIZED PASSENGER	Other Driver Viol
392.9	DRIVER LOAD SECURE	Other Driver Viol
392.9A	CORRECTIVE LENS WORN	Other Driver Viol
392.9B	HEARING AID WORN	Other Driver Viol
393.100	NO/BAD TIE DOWN	Other Veh Defects
393.106	FRONT END STRUCTURE	Other Veh Defects
393.11	REFLECTORS/PROJECT LOAD LAMP	Lighting
393.19	SIGNAL/HAZARD LIGHT	Lighting
393.20	CLEARANCE LAMPS	Lighting
393.201	ALL FRAME VIOLATIONS	Frames
393.201A	ALL FRAME VIOLATIONS	Frames
393.201B	CAB SECUREMENT	Framer
393.201D	LOOSE ACCESSORIES MTD ON FRAME	Frames
393.203	CAB AND BODY VIOLATIONS	Other Veh Defects
393.205	WHEEL VIOLATIONS (GENERAL)	Wheels, Studs
393.205A	WHEEL/RIM CRACKED	Wheels, Studs
393.205B	OUT OF ROUND STUD/BOLT HOLES	Wheels, Studs
393.205C	MISSING NUTS/BOLTS/STUDS	Wheels, Studs
393.207	ALL SUSPENSION VIOLATIONS	Suspension
393.207A	AXLE POSITION	Suspension
393.207B	ADJUSTABLE AXLES-MISSING PARTS	Suspension
393.207C	SPRING/SPRING ASSEMBLY VIOL	Suspension
393.207D	COIL SPRING CRACKED/BROKEN	Suspension
393.207E	TORSION BAR VIOLATION	Suspension
393.207F	AIR SUSPENSION-EXCESS AIR LOSS	Suspension
393.209	ALL STEERING VIOLATIONS	Steering Mechanism
393.25F	STOP LAMPS	Lighting
393.28	WIRING	Other Veh Defects
393.30	BATTERY INSTALLATION	Other Veh Defects
393.33	WIRING	Other Veh Defects
393.41	PARKING BRAKE	Brakes
393.42	BRAKES REQUIRED	Brakes
393.42B	FRONT WHEEL BRAKES	Brakes
393.43	TRACTOR PROTECTION	Brakes
393.43A	BREAKAWAY DEVICE	Brakes
393.43D	TRAILER AUTOMATIC BRAKE	Brakes
393.44	BUS-BRAKE LINE	Brakes
393.45	BRAKE HOSE/TUBE CHAPING	Brakes
393.45A4	BRAKE HOSE/TUBE PROPER SECURED	Brakes
393.46	BRAKE HOSE/TUBE CONNECTION	Brakes
393.46B	BRAKE HOSE/TUBE-FULL OF AIR LK	Brakes
393.47	BRAKE LINING	Brakes
393.48A	INOPERATIVE BRAKES	Brakes
393.50	VACUUM SYSTEM	Brakes
393.51	BRAKE WARNING DEVICE	Brakes
393.60	WINDSHIELD	Other Veh Defects
393.63	ESCAPE WINDOW MARKED ON BUS	Other Veh Defects

Attachment H
(cont'd)

VIOLATION -e-m-	DESCRIPTION	MCSAP CATEGORY
393.65	FUEL TANK SECUREMENT	Fuel System
393.67	FUEL LEAK/CAP	Fuel System.
393.70	FIFTH WHEEL	Coupling Devices
393.70C	ALL OTHER COUPLING	Coupling Devices
393.71	COUPLING/DRIVEAWAY	Coupling Devices
393.75A	TIRE FABRIC EXPOSED	Tires
393.75B	FRONT TIRE 4/32	Tires
393.75C	TIRE 2/32 TREAD	Tires
393.75D	BUS - REGROOVED TIRES	Tires
393.75E	TRUCK/TRACTOR REGROOVED TIRES	Tires
393.75F	TIRE EXCEEDS WEIGHT LIMIT	Tires
393.75F4	FLAT TIRE	Tires
393.76	SLEEPER BERTH	Other Veh Defects
393.77	HEATERS	Other Veh Defects
393.78	WINDSHIELD WIPER	Other Veh Defects
393.79	DEFROSTER	Other Veh Defects
393.80	REAR VISION MIRRORS	Other Veh Defects
393.81	HORN	Other Veh Defects
393.82	SPEEDOMETER	Other Veh Defects
393.83A	EXHAUST SYSTEM LOCATION	Exhaust System
393.83D	IMPROPER EXHAUST SYSTEM - BUS	Exhaust System
393.83E	IMPROPER EXHAUST SYSTEM - TRUCK	Exhaust System
393.84	FLOORS	Other Veh Defects
393.86	REAREND PROTECTION	Other Veh Defects
393.87	FLAGS ON LOAD	Other Veh Defects
393.88	T.V. RECEIVER	Other Driver Viol
393.9	LIGHTING (GENERAL)	Lighting
393.90	BUS STANDEE LINE	Other Veh Defects
393.91	BUS AISLE SEATS	Other Veh Defects
393.92	BUS EMERGENCY EXIT MARKS	Other Veh Defects
393.93	VEHICLE EQUIPPED SEAT BELTS	Other Veh Defects
393.95A	FIRE EXTINGUISHER	Other Veh Defects
393.95F	WARNING DEVICES	Warning Devices
• 393.98	HEADLAMPS	Lighting
*393.9T	TAIL LAMPS	Lighting
395.3A1	10 HOUR RULE	Hours of Service
395.3A2	15 HOUR RULE	Hours of Service
395.3B	60/70 HOUR RULE	Hours of Service
395.3E	15/20 HOUR RULES (ALASKA)	Hours of Service
395.3E1	70 HOUR RULE (ALASKA)	Hours of Service
395.3E2	80 HOUR RULE (ALASKA)	Hours of Service
395.8	LOG VIOLATIONS (GENERAL)	Hours of Service
395.8A	NO LOG	Hours of Service
395.8E	FALSE LOG	Hours of Service
395.8F1	LOG NOT CURRENT	Hours of Service
395.8K3	RETENTION PREVIOUS 7 DAYS LOG	Hours of Service
396.11	DRV VEHICLE INSPECTION REPORT	Other Driver Viol
396.3A	VEHICLE MAINTENANCE (GENERAL)	Other Veh Defects

Attachment H
(cont'd)

VIOLATION	DESCRIPTION	MCSAP CATEGORY
*396.3A1B	BRAKES (GENERAL)	B r a k e s
396.3A1BA	BRAKE OUT OF ADJUSTMENT	Brakes
396.3A1BC	BRAKE AIR COMPRESSOR	Brakes
396.3A1BD	BRAKE DRUM	Brakes
396.3A1BH	BRAKE HOSE/TUBE DAMAGE/LEAK	Brakes
396.3A1BL	BRAKE RESERVE PRESSURE LOSS	Brakes
396.3A1T	TIRES (GENERAL)	Tires
396.5B	GREASE/OIL LEAKS	Other Veh Defects
396.9C	OPERATING OOS VEHICLE	Other Driver Viol
397.13	SMOKING NEAR HAZMAT VEHICLE	Other HM Violation
397.15	FUELING HAZMAT VEHICLE	Other HM Violation
397.17	TIRE EXAM OF HAZMAT VEHICLE	Other HM Violation
397.19	REQ DOCUMENTS - EXPLOSIVES	other HM Violation
397.19C	REQ DOCUMENTS IN POSS-EXPLOSIV	Other HM Violation
397.1B	DRIVER OBEY HM LAWS (GENERAL)	Other Driver Viol
397.21	HM PRIVATE NAME ON VEHICLE	Other HM Violation
397.3	HAZMAT LOCAL LAWS	Other HM Violation
397.5	UNATTENDED HAZMAT VEHICLE	Other HM Violation
397.7	PARKING HAZMAT VEHICLE	Other HM Violation
397.9	HAZMAT ROUTING	Other HM Violation
398.3B	DRIVER QUALIF-MIGRANT WORKERS	Other Driver Viol
398.4	DRIVING OF VEH-MIGRANT WORKERS	Other Driver Viol
398.5	PARTS & ACCESSSR-MIGRANT WORKER	Other Veh Defects
398.6	HOURS OF SRVCE-MIGRANT WORKERS	Hours of Service
398.7	INSPECT & MAINT WV-MIGRANT WRK	Other Veh Defects
399.207	VEHICLE ACCESS REQUIREMENTS	Other Veh Defects
399.211	MAINTENANCE- DRIVER ACCESS	Other Veh Defects

The following cods has been included but will not be effective until December 7, 1989:

396.21	Periodic Inspection	Other Veh Defects
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- These violation codes go beyond the actual regulation citation to include additional information useful for program analysis purposes (i.e., "393.9" requires head and tail lamps, but the violation codes request further breakdown into "393.9H" for head lamps and "393.9T" for tail lamps). The vehicle inspector should use the regulatory citation necessary for further processing in their specific situation, as with judges requiring an exact reference to an actual regulation. The SAFETYNET violation code then would be selected by data entry staff from a menu.

Distribution Table

DIVISION OFFICE

	ORIGINAL	1ST COPY	2ND COPY	3RD COPY
MCS-63	Driver	W.H. via R.O.	R.O.	Mail to Carrier
MCS-63A	Driver	W.H. via R.O.	R.O.	Mail to Carrier
MCS-64	Driver	W.H. via R.O.	R.O.	Mail to Carrier

REGIONAL OFFICE

	ORIGINAL	1ST COPY	2ND COPY	3RD COPY
MCS-63	D.O.	W.H.	D.O.	N/A
MCS-63A	D.O.	W.H.	D.O.	N/A

Abbreviations:

D.O. - Division Office

R.O. - Regional Office

W.H. - Washington Headquarters

GLOSSARY AND LIST OF ABBREVIATIONS

agent - A person authorized to transact business for and in the name of another. A driver becomes an agent of the trucking company when signing for freight.

air brakes - Brakes that utilize compressed air instead of fluid.

air compressor - Device to build up and maintain pressure in the brake system reservoir.

air-lift axle - An axle with an elevating device operated by air that enables the driver to regulate the amount of weight carried on that axle by raising or lowering it,

air lines - Used to carry compressed air from one part of the air brake system to another and from tractor to the trailer. One line is called the emergency or supply line and is always charged with compressed air. The other line is called the service or control line. When the air brake treadle valve is depressed, air flows from the supply reservoir through the service line and causes the brakes to apply.

air-over-hydraulic brake - Brakes on a vehicle that have regular hydraulic system assisted by air pressure.

air pressure gauge - Measures pressure of air in air tanks in p.s.i. If the pressure drops below 60 p.s.i., a low pressure warning device (buzzer or light) will operate, indicating unsafe vehicle. Sometimes there are two gauges. The second gauge indicates pressure used during braking.

air reservoir - Storage tank for compressed air.

air slider - A cab-controlled sliding fifth wheel that can be unlocked by air to be moved backward or forward. See sliding fifth wheel.

Attachment J
(cont'd)

air tag - A tag axle that has two bellows-like air bags that, when filled, force the tractor's rear axle harder against the ground for a smoother ride and for weight distribution between the two axles of the tractor.

application pressure air gauge - Gauge that indicates pressure being applied by brakes during brake operation. See air pressure gauge.

articulated - Having parts connected by joints. A tractor-trailer is an articulated vehicle.

auxiliary transmission - A second transmission connected with the main transmission to provide a wider range of speeds and gear ratios.

axle - The bar that connects opposite wheels. There are two types of axles: live axles, which transmit power from the drive shaft to the wheels, and dead axles, which do not transmit power and are used only to help carry the load or to steer.

band ply - The first ply on the inside of a tire.

base state - The state in which a vehicle is primarily registered.

battery - An electrochemical device for storing and supplying electrical energy.

bead - The inner edge of the outer wall of a rubber tire, fitting on the rim. The "foundation" of a tire. It is made of high tensile steel wires and wrapped and reinforced by the plies.

bill of lading (B/L) - The written transportation contract between shipper and carrier (or their agents). It identifies the freight, who is to receive it and the place of delivery and gives the terms of the agreement. All goods going to a receiver at one destination in a single shipment or on one truck must be on a single bill of lading.

bill of sale - A contract for the sale of goods.

Attachment J
(cont'd)

billed weight - The weight shown in a freight bill.

bingo card (Slang) - See cab card.

bleed the air tanks - To drain the accumulated water out of the air tanks of a tractor to prevent the condensed water from reducing air tank capacity and thus cutting braking efficiency.

bleed the fuel lines - To remove trapped air from the fuel lines.

blind side - Right side of the truck and trailer, opposite of the sight side.

blocking - Supports used to prevent cargo from shifting during transportation.

blow-off valve - A regulatory valve on the air system that allows the escape of excess air pressure if the governor on the air compressor fails to operate.

bobtail - A tractor without a trailer; or a straight truck.

bogey - Usually an axle added to tractor to carry more weight as for weight distribution.

bottomdump - Trailer body designed to dump its cargo through gates in the bottom or floor of the trailer.

brake drum - The rotating unit of the brake that is attached to the wheel.

brake lining - A material designed to create friction that is attached to the brake shoe.

brake hose - A flexible conduit other than a **vacum** tubing connector, manufactured for use in a brake system to transmit or **contin** fluid or air pressure, or **vacum** used for brake application.

Attachment J
(cont'd)

brake shoe - The nonrotating unit of the brake (to which the brake shoe is attached) that contacts the rotating unit to supply braking force.

brake tubing - A metallic pipe or conduit for use in a brake line system with minimum flexing, to transmit or contain fluid or air pressure, or **vacuum** used for brake application.

break the unit (Slang) - Uncouple the tractor from the trailer.

bridge - The distance between one axle and another, or between two sets of axles. Used in some states to ascertain the permissible gross weight for the vehicle. Also called spread. See spread tandem.

B-trains - A combination consisting of a tractor and two semi-trailers, the second trailer coupled to the first trailer by use of a fifth wheel, which is mounted directly behind the cargo body on the lead semi-trailer.

bulk freight - Freight not in packages or containers.

bulkhead - A metal or wooden device located on the back of the tractor or on the front of the trailer to keep loads from sliding forward and going through cab of tractor. Sometimes called a header board.

bus - A motor vehicle designed to carry more than 15 passengers including the **driver**. (see school bus).

bushing - A cylindrical metal sleeve inserted into a machine part for reducing the effect of friction on moving parts or for decreasing the diameter of a hole.

cab card - Uniform Identification Cab Card in which the various state operating authorities and permit stamps are affixed. Called bingo card by drivers.

cab, conventional - A tractor on which the cab is behind the engine. Also see snub-nose.

cab-over-engine - A tractor on which the cab is located over the engine (abbreviated **COE**).

Attachment J
(cont'd)

camber - Outward (or inward) tilt of wheels from true vertical.

carbon monoxide (CO) - A colorless, odorless, highly poisonous gas, produced by the incomplete combustion of fuel. It is usually expelled by the exhaust system.

cargo - The freight carried by a vehicle.

casing - The tire structure, excepting tread and sidewall rubber.

cast wheel - A casting that includes the hub and spokes at the end of which are studs, clamps and nuts that are used to support the rim.

caster - Forward (or rearward) inclination of kingpin or support arm of wheel; amount of tilt in axle beam.

certificate of weight - An authoritative statement of the weight of a shipment prepared by a weighmaster.

chain binders - A device used to remove slack from chains used to tie down loads.

charge it (Slang) - Allow compressed air to flow into semi-trailer lines.

chassis - The part of a motor vehicle that includes the frame, suspension system, wheels, steering mechanism, etc., but not the body and engine.

check valve - Device to automatically isolate one part of air brake system from another. A one-way check valve provides free air flow in one direction only. A two-way check valve permits actuation of the brake system by either of two brake application valves.

circuit breaker - A device that automatically interrupts the flow of an electric current when the current becomes excessive.

clean bore tank - A single tank without compartments inside.

Attachment J
(cont'd)

clearance lights - The small lights that outline a vehicle's length and breadth. The lamps at the front and sides are amber; those visible from the rear are red. Also called marker or running lights. Also see identification lights. Required by the **FMCSRs** on vehicles 80 inches or more in width.

cleat - A strip of wood or metal used for additional strength; to prevent warping; or to hold something in position.

clutch - The part of the power train that allows the driver to connect the engine to the wheels.

commodity - Any article of commerce. Goods shipped.

commercial driver licence (CDL) - A license issued by a State or other jurisdiction, in accordance with the standards contained in **CFR Part 383**, to an individual which authorizes the individual to operate a class of a commercial motor vehicle

combination vehicle - A truck or truck-tractor coupled to one or more trailers, also referred to as a "rig." See rig.

combustible - Able to catch fire and burn easily.

common **carrier** - A transportation business that offers service to the general public for a fee. Interstate common carriers must hold a franchise issued by the Interstate Commerce Commission. This franchise limits service to a specific geographical area. Rates also are regulated. Routes and schedules of regular common carriers are regulated by government agencies, but irregular route common carriers may set their own without regulatory approval. Most states also regulate common carriers.

containerization - Shipping system based upon large cargo-carrying containers that easily can be interchanged between trucks, trains, and ships without rehandling the contents.

Attachment J
(cont'd)

continuous seal - A term denoting that the seals on a truck remained intact during the movement of the truck from origin to destination; or, if broken in transit, that it was done by proper authority and without opportunity for loss to occur before new seals were applied.

contract carrier - A company that engages in for-hire transportation of property under individual contract or agreement with one or a limited number of shippers.

converter gear or dolly - The coupling device composed of one or two axles and a fifth wheel by which a semi-trailer can be coupled to the rear of a tractor-trailer combination, forming a double-bottom rig.

convex mirror - A type of mirror having a convex shape in order to show a larger field of view than can be obtained from a flat mirror of the same size.

cords, tire - Strands forming the plies in a tire.

dead axle - An unpowered axle used to increase the legal weight capacity of a vehicle.

destination - The place to which a shipment is to be delivered.

diesel engine - An internal combustion engine that uses compression to raise air temperature to the igniting point, whereas fuel is ignited by a spark in a gasoline engine.

differential - The part of the power train that permits one wheel to turn at a different rate of speed from the other, as occurs when going around a turn.

differential lock, interaxle type - Used on twin-screw tractors, this valve can be set to lock both rear axles together so that they pull as one for off-the-road operation. Never used for over-the-road operation.

direct current - Electrical current that always flows in one direction only and is the type used in automotive equipment.

Attachment J
(cont'd)

- direct drive** - Refers to a condition in which the transmission is in a gear having a 1:1 ratio, that is, when the engine crankshaft is turning at the same rate as the vehicle drive shaft. **See overdrive and underdrive.**
- disc brakes** - Brakes that function by causing friction pads to press on either side of a disc rotating along with the wheel.
- disc wheel** - A single unit that combines a rim and a wheel.
- dispatcher** - Person in charge of dispatching.
- dolly** - A small platform mounted on wheels that is used in a warehouse to move objects. Also used in reference to (1) The coupling device composed of one or two axles and a fifth wheel used to convert a semi-trailer to a full trailer so it can be coupled to the rear of a **tractor-trailer** unit, making the combination into a double-bottom rig; (2) landing gear on a trailer.
- doubles** - A combination vehicle consisting of a tractor, a semi-trailer and a full trailer, coupled together. Also called twins, twin trailers and most often double bottoms.
- drain lines** - In some fuel systems, unburned fuel is returned to the supply tank through the drain lines. Not found on all tractors.
- drive axle** - An axle that transmits power to the wheels. A drive axle is a powered axle that actively pulls the load.
- drive shaft** - A heavy-duty tube that connects the transmission to the rear end assembly of the tractor.
- drivers (Slang)** - The drive wheels of a tractor.
- driver's duty status record book** - See log book, driver's daily.
- driver's log** - See log book, driver's daily.
- dromedary tractor** - A tractor with a cargo body placed between the fifth wheel and the cab.

Attachment J
(cont'd)

drop frame - A trailer frame that drops downward to increase cargo capability without increasing the vertical clearance of the vehicle. Consists of two types: single drop and double drop.

dry freight - Freight that does not need to be shipped at a specific temperature to prevent spoilage.

dry tank - Part of brake system. Air passes from wet tank to dry tank. Dry tank is the air reservoir from which the air is drawn for operating the brake system.

duals - A pair of wheels and tires mounted together on the same side of one axle.

dummy coupler - A fitting used to seal the opening in an air brake hose connection (glad hands) when the connection is not in use. Sometimes called a dust cap.

dunnage - The material used to protect or support freight in trucks. The weight of **dunnage** as shown separately on the bill of lading since it is material used around a cargo to prevent damage. Often it is transported without charge.

dust cap - See dummy coupler.

dust shield - Sheet metal shield on brake assembly used to keep debris from brakes.

emergency brake release - Will override the spring brake control in the event air pressure is lost. You must hold it while pulling out on the spring brake control. For emergency use only.

escape ramp - A ramp on a steep downgrade that can be used by a truck driver to stop a runaway truck when brakes have failed. The ramp often has a soft gravel surface and forms a steep upgrade to stop the truck. Sometimes called a runaway truck ramp.

Attachment J
(cont'd)

exempt carrier - Trucks hauling certain commodities that are exempt from Interstate Commerce Commission economic regulation. By far the largest portion of the exempt carriers transport agricultural commodities or seafood.

exhaust manifold - That part of the exhaust system that carries the exhaust gases from the cylinders to the exhaust pipe.

exhaust pipe - Pipe connected to muffler through which exhaust gases are released.

expandable (trailer) - Flat bed trailer which can be expanded beyond its regular length to carry larger shipments.

export - To send goods to a foreign country.

external contracting brake - A type of brake in which the brake shoes contract against the outside of the brake drum.

Federal Motor Carrier Safety Regulations (FMCSRs) - Govern the operation of trucks and buses being operated in interstate or foreign commerce by common, contract and private motor carriers. Among other things, the FMCSRs specify insurance requirements, driver qualifications, driving of motor vehicles, hours of service for drivers, reporting of accidents, inspection and repair of vehicles as well as parts and accessories needed for safe operation.

fifth wheel - The coupling device located on the tractor's rear frame that is used to join the front end of the trailer to the tractor. It is a flat, rounded plate with a V-shaped notch in the rear.

flap, tire - Used in tube type tires, it is a piece of rubber that separates the tube from the bead seat.

flat bed - See low bed.

flexi-van - Trailers with detachable container bodies that are loaded on specially constructed flat cars equipped with two turntables.

Attachment J
(cont'd)

- foot brake valve** - Valve which the driver depresses with his foot, which controls the amount of air pressure delivered to or released from the brake chambers. Also called a treadle valve.
- frame** - A metal support for the body, power unit, and running gear; the backbone structure around which the vehicle is assembled. Contains the engine mounts, fuel tank supports, etc.
- freight** - Anything being transported.
- freight bill** - Document for a common carrier shipment. Giving a description of the freight, its weight, amount of charges, the rate for charges, taxes and whether collect or prepaid. If the charges are paid in advance or are to be collected at the origin, it is called a prepaid freight bill. If charges are to be collected at destination, it is called a destination or collect freight bill.
- friction** - The resistance to motion of two moving objects or surfaces that touch.
- front brake limiting valve** - Found only on tractors having brakes on the front axle. Limits amount of braking force applied to the front axle brakes under conditions where locking up the front brake might adversely affect the driver's ability to safely steer the vehicle. Usually controlled by a two-way switch mounted on the dashboard. When in "Dry Road" position, limiting valve is not operating. In "Slippery Road" position, the valve is in full operation (only found on the **pre-1975** model tractors).
- full capping** - Application of new rubber to the tread area and some distance down the buttress of a used tire.
- full trailer** - A trailer with both front and rear axles; used as the second trailer in a double-bottom rig or hooked behind a straight truck to form a truck-trailer combination. A semi-trailer can be converted into a full trailer by the use of converter dollies.

Attachment J
(cont'd)

glad hands - Connectors mounted on the front of a trailer for connecting air lines from the tractor.

governor (air) - Device to automatically control the air pressure being maintained in the air reservoirs. Keeps air pressure between **90** and **120 p.s.i.** Prevents excessive air pressure from building up.

groove - On a tire, the space between adjacent tread ribs.

gross combination weight - The weight of the tractor, trailer, and cargo (abbreviated **GCW**).

gross ton - **2,240** pounds. More commonly called a long ton.

gross vehicle weight - The weight of an empty tractor or trailer and cargo (abbreviated **GVW**).

gross vehicle weight rating - Manufacturer's gross vehicle rating.

half capping - Application of new rubber only to the tread area of a used tire. See full capping.

hand valve - The valve that controls only the trailer brakes.

HAZARDOUS MATERIALS - The various substances (materials, chemicals, gas, etc.) which U.S. Government agencies have determined could cause harm or danger to public health and safety when being transported improperly. There are approximately **24** different DOT transport related, broad types of classifications of hazardous materials all of which have strictly enforceable laws or regulations covering such things as types of containers or packages to be used for shipping, the labeling of the packages and/or the placarding of the vehicles, among other requirements. The hazardous material classifications and an example of each are as follows:

blasting agent - Any material designed for blasting that is not easily detonated, such and ammonium nitrate fuel oil mixture.

Attachment J
(cont'd)

combustible liquid - A liquid that can be burned such as furnace oil, also **see Flammable Liquids**.

corrosive material - A substance which will eat away or "burn" your skin such as battery acid.

etiologic agent - Items, which are likely to cause diseases in human beings, shipped for laboratory analysis.

explosives, Class A - An example is dynamite.

explosives, Class B - An example is special fireworks.

explosives, Class C - An example is small arms ammunition.

flammable gas - Any gas (or vapor) usually kept under pressure and which easily catches fire such as propane gas used for cooking.

flammable liquid - A liquid that catches fire very easily such as gasoline. Also **see COMBUSTIBLE LIQUID**.

flammable solid - A solid material that catches fire easily such as charcoal.

haz mat/H M - Nicknames for HAZARDOUS MATERIALS.

hazardous shipping labels - See labels, D.O.T. HAZARDOUS MATERIALS WARNING.

hazardous warning labels - See labels. D.O.T. HAZARDOUS MATERIALS WARNING.

hazardous warning placards - See PLACARDS, D.O.T. HAZARDOUS MATERIALS WARNING.

haz mat placards - See PLACARDS, D.O.T. HAZARDOUS MATERIALS WARNING.

Attachment J
(cont'd)

headache rack (Slang) - Heavy bulkhead mounted behind the cab to protect it from a shifting load.

header board - See **bulkhead**. Also known as headache rack (slang).

hose tenders - Devices that keep air and electrical lines between the tractor and trailer suspended and out of the way. Also known as "pogo sticks."

identification lights - Three lights mounted in a row on vertical centerline of the vehicle front and rear. Front lights are amber. Rear lights are red. Required by FMCSRs on vehicles 80 inches or more in width. Also see clearance lights.

inspection (vehicle) - Checking over the vehicle parts and systems for problems and malfunctions and to see that everything is in order and in **place**. **Pre-trip** inspection is a thorough inspection done before the trip. **Enroute** inspections are made periodically during the trip. **Post-trip** inspections are done after the trip, so that problems and malfunctions can be reported to maintenance personnel.

internal expanding brake - A type of brake designed with the brake shoes on the inside of the braking drum to expand against the inner surface of the drum.

interstate commerce - The Interstate Commerce Act defines interstate as transportation from one state or territory of the United States or the District of Columbia to any other, or from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States.

intrastate commerce - Transportation having origin, destination and entire transportation within the same State.

invoice - (1) An itemized list of goods shipped to a buyer stating quantities, prices, fees, shipping charges, etc., often with a request for payment; (2) a shipment of invoiced goods.

Attachment J
(cont'd)

irritating material - A liquid or solid material which when exposed to air or fire gives off dangerous or very irritating fumes, such as tear gas used for riot control.

non-flammable gas - A gas (or vapor) usually kept under pressure and that does not burn, such as nitrogen used in trailer refrigerator systems.

onboard recorders - An **onboard** computer to record the driver's hours of service in lieu of the handwritten log.

organic peroxide - A substance which is a strong oxidizing agent and fire hazard commonly used in the bleaching of leather.

oxidizer - A substance which gives off oxygen which makes it a fire hazard, such as ammonium nitrate which is used as a fertilizer by farms.

poison A - Any liquids or gases that are extremely dangerous to human life, an example of which is a **hydro-organic** acid (**prussic** acid) used in the making of pesticides.

poison B - Less dangerous poisons than POISON A but are still dangerous to human health, such as arsenic use for pesticides.

radioactive material - Any material which radiation such as fuel in nuclear-powered electrical generating plants.

ORM (other regulated material) - Any substance which poses a human health and safety risk and which does not fit any of other hazardous materials classes. There are 5 classes of **ORM** which are:

ORM-A Any material which can cause an uncomfortable reaction in human beings exposed to it, such as chloroform.

ORM-B Any substance which can cause damage to the transport vehicle if leaked during transport, such as mercury.

Attachment J
(cont'd)

ORM-C Any substance which does not fit the **ORM-A** or **ORM-B** classification but which makes it unfit for transportation unless properly prepared, such as bleaching powder.

ORM-D Any material packaged in small quantity for consumer use that would otherwise be subject to the hazardous material classifications, but due to the fact it is packaged in small quantities poses a minimum risk, such as small cans of cigarette lighter fluid.

ORM-E Any substance which is not included in any of these other hazardous materials classes but which is subject to the Hazardous Materials Regulations, such as some forms of hazardous waste. Example - sludge from manufacturing procedures and hazardous substances such as materials used to eliminate fungus.

spontaneously combustible material (solid) - Any solid substances which, when exposed to air, may increase in temperature and/or catch fire, such as wet hay.

water reactive material (solid) - Any solid material (including sludges or pastes) which when **accidentally** gotten wet may catch fire and/or give off unhealthy gases such as magnesium metal used in making car engines.

waste, hazardous - Materials that are hazardous which are being shipped to a disposal site or dump, and which require special shipping manifest papers as required by the U.S. Environmental Protection Agency.

Jake Brake (Slang) - The Jacobs engine brake. Used as an auxiliary braking device on a tractor. Builds up back pressure in the engine by preventing the exhaust from escaping so that the engine slows.

Jeep wheel - See **joe** dog.

joe dog - Device with a dead axle that converts a single-axle tractor to a tandem-axle tractor. It hooks over the tractor's fifth wheel, replacing it with another for the semi-trailer to be hooked onto.

Attachment J
(cont'd)

kingpin - The bolt-like device on the underside of the front of a semi-trailer that fits into the tractor's fifth wheel to couple the tractor and the trailer together.

labels, D.O.T. HAZARDOUS MATERIALS WARNING - A regulation type label (or sticker) that is required to be placed on any package/container of hazardous materials which identifies the type of hazard.

lading - That which constitutes a load. The freight in a vehicle.

landing gear - A slang term for the support legs that hold up the front end of a semi-trailer when it is disconnected from a tractor. **See dolly.**

lock ring - In three-piece wheel rims, the lock ring holds the side ring firmly on the rim base.

log book, driver's daily - A legal record kept by interstate truck and bus drivers in which they make entries showing their daily number of hours worked, miles driven, etc. The maintenance of such records is required by the Federal Motor Carrier Safety Regulations. Recently the name was officially changed to Driver's Duty Status Record Book.

low-air warning device - Any mechanical means of warning a truck driver that his vehicle is not maintaining the proper amount of air pressure needed to operate the brakes, etc. Can be a buzzer, a flashing red light on the instrument panel, or a small red metal flag that drops into the driver's line of vision.

manifest - A document describing a shipment or the contents of a vehicle or ship.

marker lights - Also called clearance or running lights. See clearance lights.

moisture-release valve - A valve in the air line that emits some air each time the brakes of the tractor are applied. Prevents water and moisture from collecting in the air system.

Attachment J
(cont'd)

motor carrier - An individual, partnership or corporation engaged in the transportation of property or persons.

motor vehicle - Any vehicle, self-propelled or drawn by mechanical power, designed for operation on the highways or natural terrain in the transportation of property or passengers.

muffler - Noise-absorbing chamber used to quiet the engine's noise.

odometer - An instrument that measures the total number of **miles** traveled by a vehicle.

off-tracking - A term used to refer to the path taken by the rear end of a vehicle when turning. The path of the rear wheels is shorter than the path of the front. The off-track is much shorter on a tractor-trailer. Drivers must compensate for off-tracking in turns and on curves.

oil pressure gauge - Measures pressure of engine lubricating oil. Pressure varies with engine speed and oil viscosity. Sudden drop of pressure indicates a problem.

oil seal - A device used to retain lubricant in the bearing area of the wheel. The sealing part of the seal is usually resilient material such as synthetic rubber or leather made and assembled into a wheel or the hub bore.

out-of-service driver - Driver declared out-of-service by a government representative because of hours of service or other violations. The out-of-service form indicates when such a driver **may** commence driving again.

out-of-service vehicle - A vehicle that cannot pass the government safety inspection and is declared **out-of-service**. Cannot be driven until the problem or problems are corrected or repaired.

pass inspection - No violation(s) of any inspection **items** contained in Appendix A, relating to the condition of the vehicle(s), is disclosed during the inspection process.

Attachment J
(cont'd)

pigtail (Slang) - Electrical cable used to transmit power from the tractor to trailer.

pintle hook - Coupling device at rear of truck for the purpose of towing trailers.

PLACARDS, D.O.T. HAZARDOUS MATERIALS WARNING - A regulation type of sign that is required to be displayed on all four sides of a motor vehicle when it is hauling hazardous materials.

ply - A layer of rubber-coated parallel cords on a tire.

point of origin - The terminal at which a shipment is received by a transportation line from the shipper.

preventive maintenance - A systematic checking and care of equipment to keep repairs to a minimum.

private carrier - A company that is not primarily engaged in transportation business and that hauls its own property in its own vehicles. Private carriers do not have to obtain operating authority from the Interstate Commerce Commission, but they must comply with the Federal Motor Carrier Safety Regulations of the Department of Transportation if operating interstate.

prohibited articles - Articles of freight which will not be handled.

pull the pin - Release the fifth wheel lock.

radius rods - Rods attached to frame and axles to prevent misalignment.

random check - A consistent procedure resulting in an unbiased, **statistically** correct representation of the total vehicle population in a given area.

recap (driver's daily log) - A summary of the hours that a driver has worked. Used to figure out how many hours a driver can work under hours of service regulations. Short for "recapitulation."

Attachment J
(cont'd)

recap (tire) - (1) To recap a tire by bonding new tread rubber to the used tire; (2) a tire that has been recapped. See full capping and half capping.

reciprocity - (1) Mutual cooperative interchange of privileges. (2) The exchange of rights or privileges of trade between states.

regroove - To cut new grooves into a tire. This can be done only on tires that are made specifically to be **regrooved**. They are marked "**regrooveable**."

relay valve - A combination valve in an air brake system which controls brake application and which also provides for automatic trailer brake application should the trailer become disconnected from the towing vehicle.

relay valve - Valve used to speed up the application and release of the rear wheel brakes.

revolutions per minute - The number of turns or rotations the engine makes in a minute (abbreviated RPM). Engine RPM is expressed in hundreds on the tachometer.

route - (1) The course or direction a shipment shall move; (2) to designate the course or direction a shipment shall move; (3) carrier or carriers over which a shipment moves.

saddle tanks - Barrel-type fuel tanks that hang from the sides of the tractor's frame.

school bus - A passenger vehicle designed to carry more than 10 passengers in addition to the driver which is used **primarily** to transport students to and from home and school.

seal - A security device to assure that truck doors have not been opened in transit.

shipping papers - Papers used in connection with movement of freight.

Attachment J
(cont'd)

slack adjuster - An adjustable device located on the brake slack chamber push rod that is used to compensate for brake shoe wear.

sleeper berth - Area in a tractor where a driver can sleep. Sleeper berths must meet standards set by the Federal Motor Carrier Safety Regulations.

sliding fifth wheel - A fifth wheel assembly capable of being moved forward or backward on the truck tractor to obtain desired load distribution between tractor and trailer axles.

sliding tandem - An adjusted **bogie** beneath the trailer that can be moved forward or backward to distribute the weight between tractor and trailer axles.

spring brake - A device that consists of a conventional brake chamber and an emergency or parking brake mechanism for use on vehicles equipped with air brakes. The service brake chamber portion of the spring brake is identical to, and functions the same as a brake chamber. The rear portion of the spring brake, sometimes called the "piggyback," houses a large and powerful spring and diaphragm, which under normal conditions, is held in the released position (spring compressed) by air pressure. If air is exhausted from the spring cavity, the spring expands, forcing the diaphragm, push plate, and rod forward, applying the vehicle brakes. A mechanical release bolt at the rear of the chamber is provided to mechanically cage the spring and release the brakes, if necessary.

stabilizer - Device used to stabilize vehicle during turns. Also called a **sway bar**.

steering axle - An axle through which directional control of the vehicle is applied. A steering axle may be powered or **non-powered**. A tractor may have more than one steering axle.

storage battery - A device that stores voltage and supplies electrical current by means of a chemical reaction between different chemicals.

Attachment J
(cont'd)

straight truck - A truck with the body and engine mounted on the same chassis. (As contrasted to a combination unit such as tractor-trailer).

suspension - The system of springs, etc., supporting a vehicle upon its undercarriage or axles.

sway bar - See stabilizer.

tachograph - A device in a tractor that automatically records the number of miles driven, the speed, the number of stops, and other pertinent statistics.

tachometer - A device in the tractor, located on the instrument panel, that indicated the revolutions per minute of the engine's crankshaft.

tag axle - The rear most axle of a tandem-axle tractor if that axle serves only to support additional gross weight. A tag axle does not transmit power.

tailpipe - Pipe that discharges the engine exhaust to the atmosphere.

tandem axle An assembly of two axles, either, none or both of which may be powered.

tie rod - Part of the tractor's steering system, it is the connecting rod between the steering arms.

tires, belted bias - Body plies are same as those for bias tires. In addition, tires have belt plies that constrict the diameter and give greater rigidity to the tread. Belts are heavier construction and the cords lie in a more circumferential direction than breakers on bias tires.

tires, bias - Body **plycords** lie in a diagonal direction from bead to bead. Tires may also have narrow plies under the tread, called breakers, with cords that lie in approximately the same direction as the body ply cords.

Attachment J
(cont'd)

tires, radial - Body ply cords are placed perpendicularly across the tread from bead to bead. In addition, radial tires have belt plies that run circumferential around the tire, under the tread. Giving rigidity to the tread, resulting in less rolling resistance which gives better fuel economy.

tires, wide base - Same diameter as conventional tires, but have a **wider base** that provides greater ground contact. Sometimes used to replace dual tires, resulting in cost and weight savings.

toe-in - The amount of distance which the front of the front wheels are closer together than the rear of the wheels. Front tires are toed-in to improve steering and increase tire life.

toe-out - Opposite of toe-in.

tractor protection valve - Controls flow of compressed air from tractor to trailer; when closed, stops flow of air to trailer. When this happens, the trailer brakes will apply. Used to make sure that air is always available for tractor brakes. Must be in "Normal" position when tractor is hooked up to trailer and in "Emergency" position to unhook trailer.

trailer brake - A hand-operated remote control that applies trailer brakes only. Located on the Steering Column or dash. Must never be used for parking. Also called hand valve, trolley brake, trolley valve handle, trailer hand brake, and independent trailer brake.

treadle valve - See foot brake valve.

tri-axle - An assembly of three rear axles, any or all of which may be powered.

universal joint - A joint or coupling that permits a swing of limited angle in any direction; used to transmit rotary motion from one shaft to another not in line with it.

vacuum brake system - A brake system in which the brake mechanism is activated by a vacuum.

Attachment J
(cont'd)

valve - A device that opens and closes openings in a pipe, tube, or cylinder.

V-belt drive - Power transmitted from the drive wheels to a dead axle by means of a V-belt connection.

V.C.R. - Driver's daily vehicle condition report.

waybill - A document prepared by a transportation line at the point of origin of a shipment, showing the point of origin, destination, route, consignor, consignee, description of shipment and amount charged for the transportation service. Forwarded with the shipment, or sometimes direct by mail, to the agent at the transfer point or waybill destination. The waybill is basically a description of goods and shipping instructions.

weight sheets - Itemized list furnished by shippers, itemizing articles in each consignment.

wet tank - Part of the air brake system. Compressed air produced by the compressor goes to the wet tank, which collects any water and engine oil that the air has in it. This tank must be drained at least once a day.



U.S. Department
of Transportation

**Federal Highway
Administration**

Motor Carrier Training Manual

Volume **2-Compliance**

Chapter **13-Extended** Runs

- Par. 1. Purpose
 2. Authority
 3. Policy
 4. Background
 5. Sources of Information
 6. Methods of Investigation

REFERENCED ATTACHMENTS

- Attachment A - Letter Used to Initiate an Investigation through Correspondence
Attachment B - Questionnaire
Attachment C - Speed Computation Chart
Attachment D - List of Equipment Needed and Instructions for Installation of **Tachograph**
Attachment E - Report Recording **Tachograph** Accuracy and Inspection
Attachment F - Instructions to Driver
Attachment G - Letter and Driver's Report
Attachment H - Carrier Supervisor's Report
Attachment I - Driver's Statement

1. PURPOSE. To provide guidelines and procedures to be used in the investigation of schedules and runs alleged to require speeding in excess of the legal limits and/or driving time in excess of **10** hours to complete.
2. AUTHORITY.
 - a. The authority to inspect, examine property, and inspect and copy documents of motor carriers and others subject to the Federal Motor Carrier Safety Regulations (**FMCSRs**) is contained in **49 U.S.C. 504(c) (1982), et seq.**, which also imposes a corresponding affirmative duty on motor carriers, brokers, and lessors to submit documents and property to inspection.

- b. Implied in the statute cited above is authority to ride on the vehicle as a passenger for the purpose of inspecting the vehicle while it is in operation.
- c. The regulations to be enforced by the guidelines in this chapter are **49 CFR 392.2, 392.6, and 395.3.**

3. POLICY

- a. Considering the lifesaving potential that can result from observance of the **55 m.p.h.** speed limit, the Office of Motor Carriers (**OMC**) has adopted the policy that trips of between **450** and **500** miles completed within **10** hours are questionable and will have to be documented by motor carriers upon request of **OMC** personnel. Trips of over **500** miles are assumed by **OMC** to be incapable of being completed without violation of the **55 m.p.h.** speed limit or Hours-of-Service Regulations.
- b. In those instances where the total trip is on highways with a speed limit of **65 m.p.h.**, trips between **550** and **600** miles completed within **10** hours are questionable and will have to be documented by motor carriers upon request of **OMC** personnel. Trips of over **600** miles are assumed by the **OMC** to be incapable of being completed without violation of the **65 m.p.h.** speed limit or Hours-of-Service Regulations.
- c. On a trip of **450** miles or less, where a driver averages **50 m.p.h.** or more, the carrier must be able to document that the trip can be made within the speed limit and in the time allotted for that trip.
- d. These policies do not prohibit the longer runs. However, carriers having longer runs must be in a position to demonstrate that they can be made in compliance with **392.6** and **395.3**. When it is established that a carrier is operating an excessively long run or allowing violations of the national speed limit, appropriate compliance action will be taken.

4. BACKGROUND. With the completion of the system of **limited-access** highways, known as the "Interstate System," the motor carrier industry is using terminals and relay stations near or adjacent to these highways. Schedules were put into effect using these highways to make maximum use of drivers and their allowable driving and on-duty not driving time. The establishment of the national **55** m.p.h. speed limit had an impact on these schedules, many of which were established upon the prior higher allowable speed limits. Some of these schedules and others may require speeding in excess of the legal limits and/or driving time in excess of **10** hours to complete. Illegal schedules and 'runs such as these are often referred to as "extended runs."
5. SOURCES OF INFORMATION. Information which indicates that a carrier operation might involve extended runs may be received from complaints or discovered during routine safety/compliance reviews and examinations of drivers' logs and other documents at roadside checks. Extended runs in a passenger carrier operation may be discovered by examination of the carrier's published time tables for regular schedules and thorough examination of charter service records.
6. METHODS OF INVESTIGATION
 - a. Correspondence
 - (1) Upon receipt of information which indicates that a carrier may be conducting operations involving an extended run(s), the safety specialist may first attempt to resolve the issue through correspondence, unless the urgency of the matter or other circumstances dictate another course of action.
 - (2) To initiate the investigation through correspondence, use the recommended form letter in Attachment A and attach **to** the letter a questionnaire similar to that in Attachment B, one for each questioned run.
 - (3) If the response to the letter indicates that the run in question is definitely not in violation of the **FMCSRs** or has been discontinued, then the matter can be closed administratively per Regional policy..

- (4) If the response to the letter indicates that the run cannot be lawfully completed, then a compliance review (CR) is to be conducted, as described in subsequent paragraphs.

b. Records Check

- (1) If the results of the letter are inconclusive or if, initially, a more direct approach is desirable, the safety specialist may visit the carrier for the purpose of examining records relative to the questionable run and for consultation with carrier officials.
- (2) The examination of the records would include such items as drivers' records of duty status, the corresponding **tachograph** charts, dispatch records, drivers' trip reports, payroll records, type of equipment operated, weight of the load, etc.
- (3) If the results of the records check reveal that the run can be lawfully completed under ordinary operating conditions, the matter may be closed with the submission of an appropriate CR.
- (4) Should the results of the records check prove to be inconclusive or if the run appears to be marginal or otherwise questionable, further investigation is warranted.

c. Ride On Vehicle

- (1) This evaluation requires the safety specialist to ride in the vehicle with the driver and to record sufficient information for an analysis and evaluation of the run being tested.
- (2) The safety specialist will, without advance notice, go to the carriers terminal and select the vehicle and driver with whom he/she will ride the run. The selection will be made from the vehicles and drivers usually assigned to the run.

- (3) The safety specialist will inform the driver and dispatcher that he/she is checking both the vehicle and the run, that the driver must follow the usual route, and operate the vehicle in accordance with the laws, ordinances, and, regulations of the jurisdiction in which it is being operated.
- (4) The accuracy of the speedometer must be verified prior to, immediately after, or during the trip. Advance arrangements must be made if the speedometer is to be calibrated by a commercial speedometer service. When the highway is marked by milepost markers or markings painted on the pavement for aircraft speed enforcement, a stopwatch **may be** used to verify the accuracy of the speedometer. A table for converting elapsed time over a measured distance into miles-per-hour is located in Attachment C.
- (5) The weight of the cargo should be close to the maximum weight usually transported on the trip.
- (6) The information to be gathered may conveniently be recorded in three segments as follows:
 - (a) **Pretrip**
 - 1 Origin and destination points.
 - 2 Description of equipment.
 - 3 Description and weight of cargo.
 - 4 Facts about driver.
 - 5 If equipped with **tachograph**, insert new chart.
 - 6 Odometer reading.'
 - 7 Time departed.

(b) En Route

- 1 Identify posted speed zones by location.
- 2 Number and duration of stops.
- 3 Monitor speed of operation.
- 4 Check accuracy of speedometer, if using stopwatch method.
- 5 If transporting hazardous materials, stop to check tires pursuant to Section **397.17(a)** of the **FMCSRs**.
- 6 Other.

(c) Post Trip

- 1 Time trip completed.
- 2 Elapsed trip time.
- 3 Odometer reading.
- 4 Total trip miles.
- 5 Traffic conditions.
- 6 Weather encountered.
- 7 Route traversed by highway numbers.
- 8 If vehicle equipped with **tachograph**, obtain photocopy of chart.

d. Ride on Vehicle with OMC Tachograph

- (1) The **OMC** has no authority to attach equipment to the carrier's vehicle. When this method of testing is used, it must be done with the voluntary consent of a carrier official.

- (2) The use of a recording instrument, calibrated with its accuracy properly documented, is the most reliable method of testing alleged extended runs. In a highly controversial issue involving a marginal run, this method of testing would be most conclusive and more readily acceptable in a legal proceeding.
- (3) The recommended type of **tachograph**, tools, equipment, and instructions for its installation, use, and analysis of the results, are contained in Attachment D to this chapter. Attachment E is a Report of Recording **Tachograph** Accuracy and Inspection.
- (4) The **tachograph** and related equipment are not issued and, should this method of testing be **considered** necessary or desirable, the matter is to be discussed with the safety specialist's Regional Director.

e. **Multi-day Sealed Tachograph**

- (1) In testing some runs, it may be considered best to test the run over a period of time with different drivers hauling various loads under various weather and traffic conditions.
- (2) For this type of testing, the carrier must agree to dedicate a particular power unit for the duration of the test, allow a sealed **tachograph** to be installed on the vehicle, and keep accurate records of the vehicle's operations.
- (3) Instructions relative to this type of testing appear in Attachment **D**. Other special forms are as follows:
 - (a) Report of Recording **Tachograph** Accuracy and Inspection, Attachment **E**;
 - (b) Instructions to Driver, Attachment **F**;
 - (c) Letter and Driver's Report, Attachment **G**;
 - (d) Carrier Supervisor's Report, Attachment **H**;
and
 - (e) Driver's Statement, Attachment **I**.

ATTACHMENT A

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Dear Motor Carrier Official:

We have received ~~the information~~ information you have scheduled and are operating a run between _____ and _____ alleged to be a distance of _____ miles; and are requiring drivers to complete the run within **10** driving hours.

We plan to investigate this operation to determine whether the run can be completed within **10** driving hours without exceeding State and local speed limits and violating the Federal Motor Carrier Safety Regulations.

Your cooperation in handling this investigation through correspondence may eliminate the need of an on-site review and expedite a decision in the matter. Please forward your responses to all of the questions on the enclosed sheet, together with the requested information, so that a decision may be reached on the legality of this run.

May we have your response no later than _____ .

Sincerely yours,

Enclosure

ATTACHMENT B

1. Origin Point (city, town, or direction, and number of miles to nearest town; show complete address, not mailing address).
2. Destination or Turn-Around Point (city, town, or direction, and number of miles to nearest town).
3. Intermediate Stops En Route (other than for fuel, food, or rest).
4. Highways Used (list in the sequence used; identify as State or U.S.; name city streets to identify access routes to and from designated highways).
5. Actual total road miles traveled via route used.
6. Total road miles traveled via limited access highways, such as interstate or toll roads.
7. Date the run was first operated.
8. How often are trips made?
9. Explain test procedure and other criteria used to determine that these trips could be completed within **10** hours driving time with the vehicle being operated at all times within the applicable maximum speed limits.
10. Attach copies of the driver's records of duty status covering the most recent trip made.
11. If the vehicle(s) used are equipped with a **tachograph** that records speed and distance, please attach a copy of the chart for the same driver and date of the records of duty status requested in Item **10** above.
12. What means of controls or restraints were used to ensure that all speed laws were complied with?
13. If the run in question has been discontinued, please show date of the last trip.

ATTACHMENT C

Speed Computation Chart in Miles Per Hour over known
Measured Distance $1\frac{1}{8}$ Mile (660 feet)

<u>(Seconds)</u>	<u>SPEED (M.P.H.)</u>
7.4	60.81
7.5	60.00
7.6	59.21
7.7	58.40
7.8	57.69
7.9	56.96
8.0	56.25
8.1	55.56
8.2	54.88
8.3	54.22
8.4	53.57
8.5	52.94
8.6	52.33
8.7	51.73
8.8	51.14
8.9	50.56
9.0	50.00
9.1	49.45
9.2	48.92
9.3	48.39
9.4	47.88
9.5	47.37

Basic Motion Formula

$$S = \frac{0.68(D)}{T}$$

(Distance in Ft.)

(Time in Seconds)

ATTACHMENT C
(cont'd)

Speed Computation Chart in Miles Per Hour over known
Measured Distance 1 Mile (5,280 Feet)

<u>TIME (Seconds)</u>		<u>SPEED (M.P.H.)</u>
60.0		60.00
60.1		59.90
60.2		59.80
60.3		59.70
60.4		59.61
60.5		59.51
60.6		59.41
60.7		59.31
60.8		59.21
60.9		59.12
61.0	Basic Motion Formula	59.02
61.1	$S = \frac{0.68(D)}{T}$	58.92
61.2		58.83
61.3		58.73
61.4		58.63
61.5		58.54
61.6		58.44
61.7		58.35
61.8		58.25
61.9		58.16
62.0		58.07
62.1		57.97
62.2		57.88
62.3		57.79
62.4		57.69
62.6		57.51
62.7		57.42
62.8		57.33
62.9		57.24
63.0		57.15
63.1		57.05
63.2		56.96
63.3		56.87
63.4		56.78
63.5		56.70
63.6		56.61
63.7		56.52
63.8		56.43
63.9		56.34

ATTACHMENT C
(cont'd)

<u>TIME (Seconds)</u>	<u>SPEED (M.P.H.)</u>
64.0	56.25
64.1	56.16
64.2	56.08
64.3	55.99
64.5	55.82
64.6	55.73
64.7	55.64
64.9	55.47
65.0	55.39
65.1	55.30
65.2	55.22
65.3	55.13
65.4	55.05
65.6	54.88
65.7	54.80
65.8	54.71
65.9	54.63
66.0	54.55
66.1	54.47
66.2	54.38
66.3	54.30
66.4	54.22
66.5	54.14
66.6	54.06
66.7	53.98
66.8	53.89
66.9	53.81
67.0	53.73
67.1	53.65
67.2	53.57
67.3	53.49
67.4	53.42
67.5	53.34
67.6	53.26
67.7	53.18
67.8	53.10
67.9	53.02
68.0	52.94
68.1	52.87
68.2	52.79
68.3	52.71
68.4	52.63
68.5	52.56
68.6	52.48
68.7	52.40

ATTACHMENT C
(cont'd)

<u>TIME (Seconds)</u>	<u>SPEED (M.P.H.)</u>
68.9	52.25
70.0	51.43
70.1	51.36
70.2	51.28
70.3	51.21
70.4	51.14
70.5	51.07

LIST OF EQUIPMENT NEEDED AND INSTRUCTION FOR
INSTALLATION OF **TACHOGRAPH**

The following steps and procedures must be followed when using **tachograph** recording equipment to monitor a run.

Equipment Requirements

1. Good camera
2. Speed Recording Device
3. Mounting Brackets
4. Dual Drive Adapter and Appropriate Drive Cable
5. Sealing Devices Consisting Of:
 - a. Lead Wire Seals
 - b. Distinctively Embossed Sealing Pliers
 - c. Heat Shrinkable Tubing

Carrier Requirements

1. Must dedicate a particular power unit for duration of test.
2. Must keep accurate records of the vehicle's operation and supervisory personnel must be briefed on the test and ensure that the power unit remains dedicated.

Installation and Documentation

This phase is very important if the **tachograph** is used. The charts are circumstantial evidence, therefore, their accuracy and the accuracy of the instrument must be irrefutable.

The safety specialist will locate a reliable speedometer repair shop that is equipped and does repair service on **tachograph** equipment and make arrangements for the installation. The cost of the installation will be paid for by the Office of Motor Carriers. The instrument will be checked for accuracy, both visual readout and charting by the serviceperson.

ATTACHMENT D
(cont'd)

The drive cable will be checked to determine if it is turning **1,000** cable revolutions per mile. This is accomplished by driving the tractor over a measured mile, counting cable revolutions with a revolution counter attached to the drive cable. Allowable tolerance is **985** to **1015** cable revolutions per **mile**.

If the cable revolutions per mile are not within these tolerances, an appropriate ratio adapter will be installed to correct.

The safety specialist should have installed a chart in the instrument, wound the clock and started it operating at least **48** hours prior to the test to determine if the clock mechanism is functioning and keeping correct time.

A recommended form (Attachment E of this chapter) is attached for the installer to record his testing and adjustments to the vehicle and instrument.

The installer should record his name, date, and time of installation on the chart at the time of installation.

When the instrument is installed on the vehicle, the door of the instrument will be sealed with two lead wire seals. The purpose of two seals is in case a seal should be broken **accidentally** by **service** or maintenance personnel, one seal will still be in place.

All cable connections will then be sealed with heat shrink tubing.

After installation, all seals and cable connections will be photographed with color film. Send film for processing immediately so the pictures will be available for comparison at the time of removal.

After the test is completed, the above steps will be taken to record the accuracy of the instrument **at the time** of removal.

ATTACHMENT D
(cont'd)

The number of trips to be operated during the test will be left to the discretion of the Regional Director. At least one complete trip should be made by the investigator as an observer. The safety specialist will record odometer readings at the beginning and end of all speed zone changes and stops. By the safety specialist riding a complete trip, it will permit the establishing of a profile trip chart for comparison with other trips.

REPORT OF RECORDING **TACHOGRAPH** ACCURACY AND INSPECTION

Name of Business Performing Installation _____

Date _____

Address _____

Name of Person Performing Inspection _____

CHECK ONE:

 - Original Installation and Calibration

-- **Remove, Recalibrate and Re-Install**

-- Remove, Check Calibration

Make _____ Model _____

Serial # _____

Odometer On _____ Odometer Off _____

Indicated Speed at **1000** Type of Seal on Drive Cable
Cable **R.P.M.** _____ Connections _____

Chart Recording at **60** M.P.H. _____

Type of Seal Installed/Removed From Door of Instrument _____

Time Chart Installed/Removed _____

Removal: Amount of Time Gained or Lost _____

TRACTOR

Owner _____ Make _____

Model _____

License # _____ Company Number _____

Cable Revolutions over Measured Mile _____

ATTACHMENT E
(cont'd)

Ratio Adapter installed if Necessary _____

Cable Revolutions over Measured Mile after Installation of
Ratio Adapter _____

REMARKS:

I certify that the above is an accurate report of the
calibration and installation or removal of the above described
instrument on the above described vehicle. All cable
connections and the instrument door have been sealed, except as
noted in remarks.

(Signature)

(Date)

ATTACHMENT F

Driver Instructions:

The vehicle you are about to operate has been equipped with a speed and time recording device. The purpose of its installation is to provide data to the U.S. Department of Transportation, Federal Highway Administration to determine the time and speeds required to make a certain run.

Operation of Vehicle: For the data gathered to be of value it is necessary that you operate the vehicle in your usual manner.

Speed: The vehicle must not be operated in excess of any posted State or local speed.

Equipment Inspection: Inspect the recording device and system seals with your supervisor before starting, and upon completion of your trip.

Tampering with the instrument or its operating system is a violation of Federal laws.

Equipment Failure: If the recording device fails during your trip notify your destination terminal for instructions.

Driver's Record of Duty Status: If a copying machine is not available at your destination terminal, it will be necessary to prepare a copy of that day's record of duty status up to the completion of the trip and attach it to the report form.

THANK YOU FOR YOUR COOPERATION AND HAVE A SAFE TRIP!

ATTACHMENT G

Driver:

This vehicle is equipped with a speed recording device which is the property of the U.S. Department of Transportation. It has been carefully calibrated for accuracy on this vehicle, and the entire system sealed to prevent tampering.

For the data being recorded to be of value, it is necessary that you operate your vehicle in the usual manner. All speed limits must be observed at all times.

It is necessary that you complete the report below. Make all time entries accurate to the nearest minute. If you wish a copy of this report for your records it is permissible to prepare and retain a copy.

Tractor No. _____ Trailer No(s). _____ Manifest No.

Date Started _____ Time Driving Began _____ AM/PM

Date Ended _____ Time Driving Ended _____ AM/PM

Cargo Weight _____

Weight of Hazardous Materials _____ Type of Placard _____

Origin Terminal _____ Destination Terminal _____

Weather _____ Traffic _____

ATTACHMENT G
(cont'd)EN ROUTE STOPS MAKE ENTRIES ACCURATE TO NEAREST MINUTE

Location	Time Driving Stopped	Time Driving Resumed	Purpose of stop

This is to certify the entries above are true and correct to the best of my knowledge and belief. A copy of my driver's record for on-duty status for this trip is attached.

Signature

(Date)

Attachment

SUPERVISOR'S REPORT

Name of Company _____ Date _____

Origin _____ Destination Terminal _____

Tractor No. Trailer No(s). _____ Manifest No. _____

Cargo _____ Weight of _____ Type or
Weight _____ Hazardous Materials _____ Placard _____

Tachograph **Tachograph**
Odometer Begin _____ Odometer End _____

Origin Terminal

I certify that the above described driver and equipment were dispatched on the above described trip. All seals were in place and intact on the recording device system. All odometer and hour meter readings are correct as entered above.

Signature of Supervisor

Title _____

Destination Terminal

I certify that the above described driver and equipment arrived at the above described terminal on _____ at _____ a.m./
p.m.
date time

I certify that I inspected the recording device and the seals were/were not intact and the odometer and hour meter readings are correct.

Signature of Supervisor

ATTACHMENT I

DRIVER'S STATEMENT

Name _____ Date _____ Time _____
Address _____ Location _____
Telephone _____ Date of Birth _____ Weight _____
H e i g h t _____ Eyes _____ Hair _____
Employer _____ Home Terminal _____

I have just completed a test trip from _____ to _____ to determine how much driving time is required to complete this trip. The following questions are answered to the best of my knowledge and ability.-

1. Was the trip over the route usually run?
2. Is this the route authorized by your company?
3. Is there a shorter route?
4. If so, does this route take less, or more time?
5. Did you obey all speed limits on the trip completed?
6. Did you encounter any unusual traffic conditions that delayed you?
7. Did you encounter any adverse weather conditions?
8. Was the load normal for this operation?
9. Was the tractor used one that is normally used on this trip?

ATTACHMENT I
(cont'd)

10. Does your company transport hazardous materials in amounts that require the vehicle to be placarded?
11. Did you stop every 100 miles and check your tires, if applicable?
12. Did you operate the truck at all times at the maximum speed permitted by laws, traffic, weather conditions, and equipment capability?
13. Can this trip be accomplished in the 10 hours (600 minutes) driving time permitted by 395.3 of the Federal Motor Carrier Safety Regulations and not speed?

(Signature)



U.S. Department
of Transportation

**Federal Highway
Administration**

Motor Carrier Training Manual

Volume

2-COMPLIANCE

Chapter

16-COMPLIANCE REVIEWS (CR)

- Par. 1. Purpose
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 3. Objectives
 4. Safety Fitness Determination Background
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Referenced Attachments

- Attachment A - Completed Compliance Review
Attachment B - **49 CFR 387-397**, Violations of the
 Federal Motor Carrier Safety and
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 the Hazardous Materials Regulations
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1. PURPOSE. To prescribe guidelines, procedures, and background information, for conducting, preparing and distributing compliance reviews.
2. AUTHORITY TO INSPECT. For complete authority cites see Volume 2, Chapter 7, of this manual.
3. OBJECTIVES
 - a. Establish an in-depth system to review motor carriers and shippers compliance with the Federal Motor Carrier Safety and Hazardous Materials **Regualtions (FMCSRs/HMRs).**
 - b. Establish a system to evaluate degree of noncompliance with the **FMCSRs/HMRs.**
4. SAFETY FITNESS DETERMINATION BACKGROUND. For complete safety fitness background see Volume 2, Chapter 7, of this manual.
5. INTRODUCTION/POLICY
 - a. The compliance review (CR) is an in-depth review of a **carrier's/shipper's** safety operation. The form is designed to provide the Divisions, Regions, and Headquarters with statistical information that can be used to determine the degree of compliance. A statistically valid sample of carrier/shipper records will have to be reviewed in order to build a basis for further decision making which may involve changing the carrier's rating, enforcement action, or placing the carrier/shipper in a selective monitoring program. Every effort shall be made to ensure the information entered on the CR is accurate.
 - b. The CR is a four-part form: **MCS-151** Parts A, B, C and D.

- c. Part A is a multipurpose form that provides the background/introductory information for the review and is also to be used for adding, deleting, or updating carrier/shipper information in the Management Information System (MIS).
 - (1) The field staff shall update the census as soon as it is known that a carrier/shipper is conducting operations subject to the **FMCSRs** or **HMRs**. Part A shall be prepared to enter the carrier/shipper on the MIS.
 - (2) Staff members shall not delay forwarding whatever information is available about new carriers or shippers. Waiting until a carrier or shipper returns a Form **MCS-150** unnecessarily slows down the census recording process. Each **RDMC** shall be responsible for ensuring field personnel are in compliance with this policy. All regions and some division offices have the capability to enter new carriers and shippers on the MIS as soon as they are discovered.
- d. The **MCS-151** CR Part B is designed to provide the statistical results of the **carrier's/shipper's** compliance with the regulations. These statistical results will determine if:
 - (1) The carrier's rating should be changed, or a rating assigned,
 - (2) Enforcement action is needed, or
 - (3) The carrier/shipper should be placed in a selective monitoring program.
- e. Part C provides information that shall be reviewed by State Directors/Officers-in-Charge (**SD/OIC**), Regions, and Headquarters staff for evaluation and monitoring purposes.

- f. CRs shall be unannounced, except for those operations that would be difficult to contact without an appointment. The CR is to be completed at the **carrier's/shipper's** place of business.
- g. Follow-ups on safety reviews (**SR**) shall be conducted with a CR. Only those areas, with the exception of Parts **394** and **387**, which were given an "unsatisfactory" or "conditional" during the **SR**, shall be reviewed during the **followup** CR. Parts of the regulations that were rated "satisfactory" from the previous **SR** will be evaluated using the **SR** interview and sampling procedures. If critical and acute violations (see Attachments **F** and **G**) are discovered in the "satisfactory" rated parts, the safety specialist is required to expand the review of those parts using the CR sampling procedures.
- h. When investigating complaints follow instructions contained in Volume **2**, Chapter **17**.
- i. The CR is also completed when conducting shipper and/or intrastate **HM** carrier reviews for compliance with Part **387**.
- j. In Volume **2**, Chapter **3**, of this manual, there are provisions which grant a **10** day grace period, for prosecution only, to motor carriers who do not have a properly executed **MCS-90**, **MCS-82**, or ICC self-insurance authorization on file. If the carrier submits a properly executed **MCS-90/82** within **10** days showing the carrier had continuous coverage and is presently covered by the required level of insurance, prosecution can be waived. Do not hold the review awaiting the receipt of proof of financial responsibility within the **10** day period, but forward the review immediately to Headquarters through Region upon completion. If the **MCS-90/82** is received before the review is forwarded through channels, do not change the

results of the review or forward the **MCS-90/82** to Headquarters since compliance status is to be determined at the time of the review. It is the responsibility of each Region to ensure that carriers not forwarding the **MCS-90/82** within the **10** day grace period are being expeditiously prosecuted. **Enforcement action shall be initiated against motor carriers which fail to produce within 30 calendar days, evidence of the applicable minimum level of financial responsibility.**

6. REVIEW PROCEDURES

- a. **Planning.** Review the carrier's field office file to become familiar with previous and current safety or compliance problems. Review educational assistance and enforcement resources that Federal Highway Administration (**FHWA**), State, and local governments have expended to encourage the carrier/shipper to implement the regulations. Note any training sessions that their personnel attended.
- b. **Opening Interview**
 - (1) Upon entering the business office, and after appropriate introduction, e.g., display of credentials, business card, etc., ask to speak to the carrier official who has knowledge of the entire operation, e.g., President, Vice President, General Manager, etc. If he/she is unavailable, ask for the individual in charge of safety. Explain to the official the purpose of the visit, that you will need to speak with individuals **responsible** for compliance with the **FMCSRs** and/or **HMRs**, and that various company records will be reviewed. Inform the individuals that the results of the review will be conveyed to the carrier in written form at

the conclusion of the review and recommendations will be provided at that **time.**

- (2) Begin inquiring about the type of business and nature of operation and obtain the information needed to complete Part A.

c. Carrier Review

- (1) Begin questioning about the carrier's procedure for recording, reporting, and analysis of accidents. Obtain sufficient information to complete Part C Field 53. Identify and list drivers and vehicles that have been involved in accidents. These drivers and vehicles will be used for sampling during the review of Parts 391, 395, and 396 of the **FMCSRs**.
- (2) Question carrier personnel concerning the carrier's procedure for driver selection, qualification, and training. Inquire about the carrier's procedures for controlling drivers' excess hours, falsification, and vehicle defect violations.

d. Carrier Sampling

- (1) Review of compliance with Part 394, Notification and Reporting of Accidents, is to cover the 365 day period prior to the date of the review. Do not include any violations discovered or data collected beyond this 365 day period on the CR.
- (2) Review of compliance with Part 387, Minimum Levels of Financial Responsibility for Motor Carriers, is delineated in Volume 2, Chapter 3. Remember to list the following statement in the "Recommendations" section of Part B if the carrier fails to maintain evidence of

financial responsibility. "A properly executed copy of form **MCS-90**, Endorsement, **MCS-82**, Surety Bond, or ICC self-insurance authorization must be on file with the Office of Motor Carriers, (add appropriate address) within **10** working days from the date of this document."

- (3) Review of Compliance with Part **391**, Qualifications of Drivers, is to cover the **365** day period prior to the date of review. The minimum number of qualification files to be reviewed for compliance, using the International Standard of sampling procedures for inspection by variables, is to be as follows:

<u>Number of Drivers Subject to FMCSRs</u>	<u>DQ Files Reviewed</u>
2-8	3
9-15	3
16-25	5
26-50	8
51-90	13
91-150	20
151-280	32
281-400	50
401-500	68
501-1,200	80
1,201-3,200	125
3,201-10,000	200
10,001-35,000	315
35,001-150,000	500

- (a) Select driver qualification files from the list of drivers involved in accidents for the above sampling first. The balance of the sampling is to include regular company drivers, drivers furnished by lessors, casual drivers, trip lease drivers, drivers hired at different terminals or branch locations. Obtain a driver roster, seniority list or payroll record and select at random from the top, middle, and bottom of the list to ensure uniform sampling. If the carrier employs less than three drivers, review all the files.
 - (b) When reviewing a motor carrier with seasonal operations, select the months with the highest amount of carrier activity.
 - (c) If the sample indicates substantial noncompliance, and the planned course of action is prosecution, the sample may be expanded for additional counts.
- (4) Review of compliance with Part **392**, Driving of Motor Vehicles, is to cover the **365** day period prior to the date of review. Emphasis should be placed on the discovery of extended runs. (See Volume **2**, Chapter **13**). Load **securement** procedures and policies concerning the transportation of passengers, driver use of alcohol and drugs and conduct on the roadway, etc., shall be reviewed.
- (5) Review of Part **393**, Parts and Accessories Necessary for Safe Operation, and Part **396**, Inspection, Repair, and Maintenance, is to cover the **365** day period prior to the date of review. The minimum number of either vehicles or maintenance files, or a combination of vehicles and maintenance files to be reviewed

for compliance will be determined by using the same breakdown provided for Part **391**. Substitute Number of Drivers with Number of Vehicles and **DQ** files with Vehicles/Maintenance Files Reviewed. Begin with vehicles involved in accidents first. If possible, examine the inspection/maintenance records for at least one of each type of vehicle operated.

- (a) If vehicles are not available for inspection and/or the maintenance **records** are kept at a location other than the principal place of business, the vehicles and/or maintenance records shall be inspected at the maintenance facility maintaining the vehicles/records if that facility is located within a **50** mile radius of the review site.
- (b) If the maintenance facility is beyond the **50** mile radius, the motor carrier shall be requested to have a sample of the maintenance records forwarded to the principal place of business via overnight mail and/or other expedient means.
- (c) Full vehicle inspections are to be completed during the review. Request the assistance of a driver, mechanic or other individual capable of operating the controls of the vehicle. If no one is available, the inspection will involve those items that can be inspected without assistance.
- (d) When violations and/or defects are noted, enter them on Part **B**, then check carrier's procedure and records to see if the violations have been detected,

reported, or marked as being corrected. Any out-of-service items discovered are to be brought to the attention of the appropriate official. Advise that the vehicle(s) cannot be legally operated until the necessary repairs have been made. Form **MCS-64**, Out-of-Service Vehicle sticker, is not to be used to place a vehicle out-of-service when inspected during a review.

(e) If the sample indicates substantial noncompliance, and the planned course of action is prosecution, the sample may be expanded for additional counts.

(6) Review of compliance with Part 395, Hours of Service of Drivers, is to cover the 6 month period prior to the date of review. The minimum number of records of duty status, or time cards if the carrier uses 100 mile radius drivers, to be reviewed for compliance, using the International Standard of sampling procedures for inspection by variables, are as follows:

<u>No. Drivers</u> <u>Subject to</u> <u>FMCSRs</u>	<u>No. Different</u> <u>Drivers</u> <u>Selected</u>	<u>Time Period</u> <u>of Records of</u> <u>Duty Status</u>	<u>Total RDS Reviewed</u> <u>for False logs,</u> <u>Excess hrs., etc</u>
2-8	5	1 mo. from prior	6 mos 150
9-15	5	1 mo. from prior	6 mos 150
16-25	7	1 mo. from prior	6 mos 210
26-50	7	1 mo. from prior	6 mos 210
51-90	11	1 mo. from prior	6 mos 330
91-150	11	1 mo. from prior	6 mos 330
151-280	17	1 mo. from prior	6 mos 510
281-500	17	1 mo. from prior	6 mos 510
501-over	27	1 mo. from prior	6 mos 810

- (a) Select drivers from the list of drivers involved in accidents for the above sampling first. The balance of the sampling is to include regular company drivers, drivers furnished by lessors, casual drivers, trip lease drivers, drivers hired at different terminals or branch locations. Obtain a driver roster, seniority list or payroll record, and select at random from the **top**, middle, and bottom of the list to ensure uniform sampling. If the carrier employs less than five drivers, review one month for each driver.
- (b) Entries on the records of duty status shall be compared against verified entries on other company documents in an effort to detect falsification. Documents that include mileage or time and date entries that can be used to verify record of duty status entries are as follows: **tachograph** charts, payroll records, delivery receipts, toll receipts, bills of lading, maintenance records, fuel receipts, trip reports, accident reports, time clock records, guard reports, State vehicle inspection reports, Driver Vehicle Inspection Reports (**MCS-63**), Port of Entry receipts, State speeding/moving **citations**, **private** patrol company reports, various trucking association safety council patrol reports, and workmen's compensation first report of injury reports, etc.
- (c) When reviewing a motor carrier with seasonal operations, select the months with the highest amount of carrier activity.

- (d) If the sample indicates substantial noncompliance, and the planned course of action is prosecution, the sample may be expanded for additional counts.
- (7) Review of Part 397, Transportation of Hazardous Materials Driving and Parking Rules, and Part 171-178, HMRs, should include a sample inspection of HM shipping papers, HM incident reports, and Over, Short and Damaged (OS&D) records for at least the 6 month period of time prior to the date of the review.

Items that need to be examined during the review of Parts 397 and 171-178 and further instructions are as follows:

- (a) Make note of all persons interviewed who are not familiar with the HMRs applicable to their responsibilities. This is a violation and should be reported on Part B.
- (b) Examine HM interline shipping papers. Section 177.808 requires connecting transportation lines to comply with the HMRs. On a separate sheet of paper record the name and address of those carriers improperly preparing or accepting improperly prepared shipping papers. Submit this information and a copy of the incorrect shipping paper to the SD/OIC for distribution.
- (c) Examine the OS&D records and cargo claim files. Record all instances of an unintentional release of HM and determine compliance with HM incident reporting requirements.

- (d) Examine accident reports and records, including nonreportable type accidents, for incidents involving **HM**.
- (e) If the carrier uses cargo tanks in its operation, examine manufacturer's certificates, data sheets, and retest records. Accident records may reveal damage to cargo tank integrity and a retest may be required.
- (f) Check the dock to determine the compliance of shipments in transit. The review of activities should include:
 - 1 Inspection of **HM** shipments on the dock. Determine how long they have been on the dock for possible violation, and inspect for proper specification packaging, marking, and labeling.
 - 2 Ask to see a supply of labels for each type of **HM** handled.
 - 3 Examine shipping papers given to local and over-the-road drivers as they arrive at the dock. This is a good opportunity to determine if drivers and **dockmen** are familiar with the **HMRs**.
 - 4 Determine if placards are properly applied to those vehicles required to be placarded.

- 5 Determine if **HM** are properly loaded and stored on vehicles being loaded and unloaded at the dock. Observe shipments of poisons to determine if they are loaded with foodstuffs. (See exception Section **177.841(e)**.)
- a Inspect vehicles on the ready-line for placard and shipping paper violations.
- 7 If a cargo tank carrier, determine if cargo tanks are properly equipped, marked with test and retest dates, **QT** and **NQT** markings, and proper placards and metal certification plates are affixed.
- 8 Part **397**, Driving and Parking Rules, applies to various type operations. Determine those parts applicable and the carrier's degree of compliance. This may be accomplished by interviewing drivers and dispatchers.
- 9 Employees responsible for handling **HM** should be interviewed. Include the safety director and his/her staff, rate and billing clerks, dock foremen and dock workers, city pickup and over-the-road drivers, dispatchers, and any other person you find performing **HM** activities.

e. Concluding the Review

- (1) Conduct the closeout session with an owner or corporate officer. If neither are available, discuss the review with the most appropriate person. If the individual is not in a responsible management level position, obtain his/her signature, leave a copy of the report, and advise that another copy of the report will be mailed, certified mail, to the owner or other high-ranking corporate official.
- (2) Results of the review shall be discussed. Inform the carrier that the safety rating will be forwarded from Headquarters within 60 days;
- (3) Educational and technical assistance can be provided;
- (4) Recommendations to improve compliance can be presented;
- (5) Commitments to improve compliance shall be obtained; and
- (6) Carrier/Shipper officials shall be given an opportunity to clarify any misunderstandings concerning the regulations and to offer mitigating reasons for the noncompliance.
- (7) Any information relevant to the above objectives which could influence a carrier's/shipper's evaluation or influence the course of action taken following the completion of the review should be discussed in Part C, Block 60 and on as many additional CR Continuation Sheets as necessary.

- (8) When the closeout session has concluded, both the specialist and the highest ranking carrier/shipper official in the session should sign, with appropriate title, Part A. The same carrier official should sign and enter title on each page of Part B. Copies of only Parts A and B are to be given to the carrier representative.
- (9) If the carrier/shipper official refuses to sign the report after being tactfully advised that the signature constitutes only a receipt for the report, it shall be mailed to the carrier by certified mail with a return receipt requested. **Do not** leave a copy of the CR with the carrier/shipper at that time.

7. COMPLETION OF FORMS

a. Part A - Carrier/Shipper Identification

- (1) Beneath the DOT logo in the upper left hand corner, circle "Compliance" for compliance review. Also, circle either "carrier" or "shipper" or both "carrier/shipper" as appropriate.

Field 1 - Document Number

Leave blank. This field is completed in Headquarters by MIS.

Note: All other fields should contain entries, zeros, or be lined thru as applicable to indicate the specialist did not overlook a field.

Field 2 - Carrier Census Number

- (a) Circle **N**, "new," when adding a new carrier to the census. Circle **U**, "update," when conducting a review of a carrier already assigned a census number. Circle **D**, "delete," when removing a carrier from the census.

(b) Enter the census number assigned to the carrier as listed on the latest carrier census printout. If no census number has been issued, enter P, for "pending."

Field 3 - Shipper Census Number. Follow field 2a and b instructions, substituting the word "shipper" for "carrier."

Field 4 - Name of Motor Carrier/Shipper

Enter the correct name of the legal entity as it should appear on the motor carrier and/or shipper census. In the case of a corporation, obtain the exact legal name from a responsible official, State records, etc. Do not list surname first.

In the case of individuals or corporations who are doing business under a "trade name," enter the trade name first, and after it enter the name of the individual or corporation. For example, if John Jones is doing business as "JJ Trucking," enter this in the space provided as "JJ Trucking" (John Jones **DBA**).

If possible, enter the name on a single line. Do not type or print one line on top of the other. Entering the name on one line assists in locating duplications of carriers and shippers that are improperly alphabetized in the census system.

When a carrier or shipper undergoes a reorganization, i.e., an individual proprietorship expands into a corporation, the old census number should be retained. If the name is changed, circle "**change**". If two companies merge, circle "merge". If the carrier's name is incorrectly listed on the census, circle "correction". Otherwise, no marking is needed in this part of Field 4.

Field 5 - First Locator (L1)

Locator name should correspond with the carrier's legal name. Omit spaces and punctuation except the "&" symbol and limit to 17 characters.

Example: Strider Brothers Trucking
L1 - StriderBrothersTr

Example: Jones Trucking (Fresh Fish Tankers
dba)
L1 - JonesTrucking

Example: Lionel & Josephus Freight and
Hauling
L1 - Lionel&JosephusFr

Field 6 - Second Locator (L2)

Limit L2 to 17 characters. Omit spaces and punctuation. The purpose of L2 is to assist a searcher on the MIS in finding a carrier when information contained in L1 is incomplete or limited.

Example: Jones Trucking (Fresh Fish Tankers
dba)
L1 - JonesTrucking
L2 - FreshFishTankers

Example: Arkansas Best Freight Systems
L1 - ArkansasBestFr
L2 - ABFSystems

Example: St. Johns Trucking
L1 - StJohnsTrucking
L2 - SaintJohnsTruckin

Example: 66 Trucking
L1 - 66Trucking
L2 - SixtySixTrucking

Example: Eastern Texas Motor Freight

L1 - EasternTexasMotorFre

L2 - ETMF

Field 7 - Street Address (Physical)

Enter the principal office street address where, except in cases involving divided record authority, all safety records of carriers will be made available for inspection or, in the case of shippers, the corporate headquarters. Many businesses maintain a post office box and a street address where their offices are located. The street address, if known, should be the information entered in this space to aid field personnel in locating the carrier or shipper's office, and its **P.O.** Box address included to assure delivery of any mail sent to the carrier or shipper.

Field 8 - Principal Office City (Physical)

List the city where the carrier's principal place of business is located. In the case of shippers, list the city where the corporate headquarters is located.

Field 9 - County (Physical)

Enter the three-numeral code for the county in which the principal office is located. Each SD/**OIC** is to distribute to all specialists a listing of county codes for their respective States.

Field 10 - State (Physical)

Enter the two-letter abbreviation for the State in which the principal office is located. (See Attachment **B**, Volume 2, Chapter 7 of this manual.) For carriers or shippers domiciled in Canadian Provinces or Mexican States, use the following abbreviations:

CANADA

AB Alberta	NS Nova Scotia
BC British Columbia	ON Ontario
MB Manitoba	PE Prince Edward Island
NB New Brunswick	PQ Province of Quebec
NF New Foundland	SK Saskatchewan
NT Northwest Territories	YT Yukon Territory

MEXICO

AG Aguascalientes	MR Morelos
BN Baja California Norte	NA Nayarit
BS Baja California Sur	NL Nuevo Leon
CP Campeche	OA Oaxaca
CS Chiapas	PU Puebla
CI Chihuahua	QE Queretaro
CH Coahuila	QI Quintana Roo
CL Colima	SL San Luis Potosi
DF Distrito Federal	SI Sinaloa
DG Durango	SO Sonora
GJ Guanajuato	TB Tabasco
GE Guerrero	TA Tamaulipas
HD Hidalgo	TL Tlaxcala
JA Jalisco	VC Veracruz
MX Mexico	YU Ucatan
MC Michoacan	ZA Zacatecas

American Possessions or Protectorates have been assigned the following abbreviations:

GU Guam	AS American Samoa
PR Puerto Rico	VI Virgin Islands

Field 11 - Zip Code (Physical)

Enter the zip code number corresponding with the carrier's or shipper's street address.

Fields 12, 13, 14, 15, and 16 - Address (Mailing)

Some carriers receive their mail at a location other than their principal place of business. Since safety ratings, for instance, are to be mailed from Headquarters upon completion of the **CR**, it is imperative that the mailing address be **completed in** addition to the physical location address. Complete Fields 12, 13, 14, 15, and 16 accordingly. If the physical location is where the mail is delivered, line through Fields 12-16.

Field 17 - Region

Enter the single numeral designating the **FHWA** Region in which the physical principal place of business is domiciled. Region 10 is entered as "10."

Field 18 - SD/OIC Number

Enter the two-numeral code for the **SD/OIC** having jurisdiction over the carrier or shipper. (See Attachment B, Volume 2, Chapter 7 of this manual.)

Field 19 - Territory

Enter the alphabetical letter(s) assigned to the territory in which the business is domiciled. Each **SD/OIC** is to provide the specialists with this information.

Field 20 - Principal Phone Number

Self explanatory.

Field 21 - ICC Docket Numbers

(a) List the primary Interstate Commerce Commission (ICC) number assigned the motor carrier.

(b) List the secondary ICC number assigned to the motor carrier.

If a shipper only review, line through this field.

Field 22 - Classification

Circle one or more as appropriate. (See Attachment A, Volume 2, Chapter 7 of this manual for definitions). If "other" is circled, describe the operation in the space provided.

If a shipper only review, line through this field.

Field 23 - Carrier Operation

Circle one or more as appropriate. Circle letter **B**, if the carrier is an intrastate carrier and is **only** subject to the financial responsibility requirements contained in Part 387 of the FMCSRs.

Field 24 - Shipper Operation

Circle one or more as appropriate.

Field 25 - Business Organization

(a) Circle the appropriate letter.

(b) If the business is a corporation, enter the two-letter abbreviation for the State of incorporation.

(c) Enter the year of incorporation.

Field 26 - Principal Cargo Name

Print the principal cargo name transported by the motor carrier or shipped by the shipper. This cargo name may or may not fall into one of the cargo classifications in Field 27.

Field 27 - Cargo Classifications

Circle one or more as appropriate. If Z, "other," is circled, enter the other commodity in the space provided.

Fields 28, 29, 30, and 31 - Reserved

Leave blank until further instructions are issued.

Field 32 - Hazardous Materials Carried/Shipped

Circle the letters A-U which indicate the types of **HM** either shipped or transported. Circle C if the **HM** is carried, circle S if the **HM** is shipped, circle both C and S if the **HM** identified is carried and shipped. In the columns following the **HM** designations, either circle T if the **HM** is carried/shipped in cargo tanks or P if the material is carried/shipped in other packages. This information is also to be shown for intrastate carriers subject to the financial responsibility requirements of Part 387.

Field 33 - Gross Revenue

Enter the most recent gross revenue figure. If the carrier/shipper refuses to release this figure, write in "declined" and the name of the individual who refused to release the revenue figure.

Field 34 - Dates of Revenue

Enter the beginning and ending date of the accrual period.

Field 35 - Divided Record Authority

Circle the appropriate response. If yes, attach correspondence showing where the carrier has permission to maintain divided records. If the carrier does not have the listing available, obtain it from Division or Regional files.

Field 36 - Average Number of Trip Leased Drivers

Enter the average number of trip leased drivers per month. If the same driver is used five times in a month, count the driver five times rather than once. Round all fractions up to the next whole number.

Do not include this figure in the totals compiled for Field 38.

Do not complete this Field if **B** has been circled in Field 23 - intrastate only.

If shipper only review, line through this field.

Example: If carrier uses approximately four drivers per week, enter 17. (4 drivers x 4+ weeks = 16+)

Example: If carrier uses approximately 150 per year, enter 13. (150 drivers /12 = 12.5)

Field 37 - Equipment

Zero may not be entered. The number entered will reflect vehicles that are, or can be, operational the day the review is completed with the exception of trip leased vehicles. Enter an average of trip leased vehicles per month. If the same vehicle is used several times in a month, count each trip separately.

If **B** is circled in Field **23** - intrastate only, enter only those vehicles that are subject to the financial responsibility requirements of Part **387**.

Line through any boxes not used.

"**Term** leased" is often used interchangeably with the term "permanent leased." It describes a lease that is in effect for **30** days or longer. "**Trip** leased" describes a lease that is in effect for less than **30** days.

If shipper only review, line through this Field.

Field 38 - Drivers Subject FMCSRS

Enter only those drivers who are subject to the **FMCSRs**. The number should reflect regularly employed, part-time, and casual drivers. Do not include trip leased drivers, since Field **36** accounts for this designation. If **B** is circled in Field **23** - intrastate only, do not complete this field, but line through the entire field.

- (a) Enter the number of drivers who remain wholly within the commercial zone. If drivers are qualified for "**over-the-road**" and can at any time be used beyond a commercial zone, do not include these figures in **38a**, but enter in **38c**.
- (b) Enter the number of drivers who remain wholly within a **100** mile radius. If drivers intermittently go beyond the **100** mile radius or serve as substitutes when needed for over-the-road drivers, do not include these figures in **38b**, but enter in **38c**.
- (c) Enter all drivers who drive, or who can drive at any time, beyond a **100** mile radius.

(d) Enter the total of a, b, and c.

If shipper only review, line through this field.

Field 39 - Persons Interviewed During this Review

List the three highest ranking individuals interviewed during the review.

Field 40 - Signatures

- (a) The highest available ranking official should sign for the review.
- (b) Enter the title of the individual signing for a copy of the review.
- (c) If more than one specialist conducted the review, both should sign the review.
- (d) Enter the title of the specialist(s).
- (e) Enter the assigned code number of the specialist(s).
- (f) Enter the date(s) of the review.

b. Part B - Number Checked/Discovered

- (1) The carrier census number, shipper census number, date, and page number are to be entered on each separate page.
- (2) It is to be prepared in as many pages as is necessary. List all violations disclosed during a compliance review, including violations discovered during the SR interview and sampling procedures. It is not to be prepared if no violations are discovered. Do not cite the carrier or shipper for potential

violations. For example, if nonspecification shipping containers are found on a shipper's premises and the shipper admits that it intends to store and ship **HM** in these containers, but has not yet shipped, no violations have occurred.

- (3) The practice of "pyramiding" violations is to be avoided. For example, the regulations provide that a driver be medically examined and that the carrier retain a copy of the medical examiner's certificate. If it is discovered that a driver was used without being medically examined, the carrier would be in violation for using the driver and for failing to retain a medical examiner's certificate. Cite only one of these as a violation.

"SEQ"

Consecutively number each entry by entering **1-99**. Begin with number **"1"** and proceed down the page with number **"2"** in the next block and continue for the number of different violations/examples needed.

Field **41** - Code Number

Violation code numbers appearing in Attachments **D, E, F,** and **G** of this Chapter are to be entered for each violation discovered. These codes are used by the computer for selective storage and retrieval of data in the MIS. They will not always reflect the exact section and paragraph number of the regulations where specific requirements can be found.

Field 42 - Section Number

Enter in this block the exact section and paragraph number of the regulations (see Attachments **D, E, F, and G**) to communicate to the motor carrier/shipper where each specific requirement can be found.

Field 43 - Number Discovered

Enter the number of violations discovered for the particular section cited. The **exact number discovered rather than estimated number is to be used. The number discovered can never be greater than the number checked.**

Field 44 - Number Checked

Enter in this block the number of driver qualification files, records of duty status, inspection and maintenance files, vehicles, etc., which were checked for compliance. In the case of driver record of duty status falsification, this block shall show only the number of records checked against documents which can be used to verify the entries or show the entry is false. Records not in carriers' files (such as State contact reports furnished to **OMC**) should be included.

When reviewing **60/7** or **70/8** days hours-of-service violations, **each 7 or 8 day period is to be counted as one** in the total number checked.

When citing failure to report accidents, enter the total number of DOT reportable accidents not reported during the **365** day period prior to the date of review.

It is important that the information entered in the "number checked" block be accurate. Inaccurate entries may cause the specialist considerable embarrassment and may cause the information on the report to be discredited during judicial proceedings.

Field 45 - Number of Drivers/Vehicles in Violation

This block further defines the degree of noncompliance. For example, the "number checked" for compliance with the 10 hour driving rule may be 1800 (20 drivers times 30 days times 3 months) and there may have been 40 violations discovered. But, only three of the 20 drivers checked accounted for all the violations. This may indicate that action should be initiated against the three drivers rather than or in conjunction with the carrier.

Description of Violations - All violations shall be described in the manner set forth in the attachments to this Chapter. When violations discovered are not listed in the attachments, the specialist shall devise the writeup using a similar descriptive style. At least one example must be entered for each violation cited. Examples also shall be described in the manner set forth in the attachments to this Chapter.

Line through any description blocks not used.

Field 46 - Recommendations

On the bottom of each page is a "Recommendations" section. Recommendations shall be provided by the specialist which would assist the motor carrier/shipper in achieving compliance with the **FMCSRs** and **HMRs**. The recommendations shall focus on the violations listed which indicate the areas of noncompliance. The recommendations shall be

pertinent to that particular **carrier's/shipper's** organization and operation. Avoid boiler plate responses. The specialist may prefer to hold all the recommendations until the last page of Part B. If this is the preference, each preceding "Recommendations" section should have the words inserted "See recommendations page ____" with the number of the last page inserted in the blank space. If more space is needed for recommendations, use the CR Continuation Sheet.

The highest ranking official available at the carrier should also sign each page of Part B.

c. Part C - Evaluation of Carrier/Shipper

- (1) The motor carrier/shipper does **not** receive a copy of Part C.
- (2) Beneath the DOT logo in the upper left hand corner, circle "compliance" and "carrier" or "shipper" as appropriate.
- (3) Enter carrier census, shipper census, date, and page information, as appropriate.

Field 50 - Reason for Review (CR)

The selections for a CR in this field are:

- A. - Rating
- B. - Complaint: No. _____
- C. - Selective Compliance/Enforcement
- D. - Other _____

Entry in "A" is automatic, all **CRs** are rated. A completed matrix Part D must be attached.

Entries in "B" are required if the compliance review involved a complaint investigation identified upon the complaint register. The

complaint number is to be added when "B" is circled. The complaint number is to be completed in full with the identification code of the field specialist assigned to the inquiry. If the CR involves a **followup** from a previous review and a complaint investigation "A", "B", and "C" are to be circled. **All CR's will be rated, except terminal and shipper reviews.**

If a carrier is identified with the Selective Compliance and Enforcement Program (**SCE**) circle "C."

Examples of selection "D" could be special assignments, requests from States for assistance, hazardous materials incident and/or accident investigation, CAPE contact etc.

The field specialist may circle more than one of the selections available in Field 50. However, good judgment is to be exercised to avoid the input of inaccurate data. **Remember. if a safety rating is to be upgraded from the CR the "A" selection must be circled and Matrix Form (MCS-151 Part D) completed.**

Field 51 - Planned Course of Action (CR)

This field has four selections for this type of review:

- A. - Selective Monitoring
- B. - Prosecution: No. _____
- C. - Sanctions
- D. - Administrative Handling

Only one entry can be circled in this field. If no enforcement action is planned from this contact but the carrier will remain in the **SCE** Program, the selective monitoring ("**A**" option) is to be circled. This is not an option if the carrier is determined to be in satisfactory compliance.

If entry "B" is selected enter the prosecution number in full including the safety specialist's identification code number. Specialists will not enter any information in entry "C" without instructions from the Regional Office.

If entry "D" is selected during a CR the field specialist is stating the motor carrier is now in satisfactory compliance.

For hazardous material shippers, Field 51 entries "A" "B" and "D" are applicable and would apply when the shipper is identified with the SCE Program.

Field 52 - Parts Reviewed

This field is to be completed as follows:

<u>Part</u>	<u>Carrier</u>
391	All
392	All
394	All
395	All
396	All
397	HM Only
177	HM Only
387	All (Except: Private carriers who do not transport HM).

Field 53 - Accident Information

The completion of this Field is critical. Compile information for the 365 day period prior to the date of review. Determine preventability of all accidents using "A Guide to Determining Preventability of Accidents," (Attachment F, Volume 2, Chapter 7 of this manual). If the specialist is performing a review of a large or medium sized motor carrier which has determined preventability of accidents using the criteria in Attachment F, Volume 2,

Chapter 7, the specialist may use the carrier's information to complete this field. Accident information in small carrier operations may be very difficult to obtain; i.e., preventability, cost of accident, etc. However, the specialist shall pursue whatever avenues available to obtain the needed information; i.e., call insurance company, interview drivers, etc., and enter to the best of his/her ability.

If shipper only review, line through this Field.

Fields 54 and 55 - Reserved

Upon approval from Headquarters, these fields are available for expanded accident information that Regional Offices may wish to collect.

Field 56 - Hours of Service Violation Severity

Enter in the blocks the number of 10 hour, 15 hour, 60 hours in 7 days, and/or 70 hours in 8 days violations discovered in each category.

If shipper only review, line through this Field.

Fields 57, 58, and 59 - Prior Action Dates

Start with the most recent SR, CR, or prosecution and proceed downward with the next most recent until all three blocks are used. Dates of prior MCS-32, Safety Management Audits, both carrier and shipper should be included in Field 58. Line through any excess space or line through the entire field, if not needed.

Field 60 - Statements and Comments

In this space, and if necessary, on attached CR Continuation Sheets, record statements made by responsible carrier or shipper officials relative to correcting the violations or

safety system breakdowns discovered during the review. Comments about the carrier's attitude toward compliance, the adequacy of the safety department staff, the degree of assistance and cooperation given to the specialist during the review, or other comments that will augment the information obtained from the review should be mentioned to increase the accuracy of the evaluation process and aid the next specialist should a **followup** review be necessary. If a complaint investigation was performed, include all the information necessary to closeout the investigation [see Volume 2, Chapter 17].

Field 61 - Actions Requested of Carrier/Shipper

If the carrier/shipper is in noncompliance, some further action shall be requested of the carrier/shipper during the closeout interview. Generally, a request to have the carrier/shipper submit to the specialist's office within a two week period, written correspondence outlining corrective action taken would be sufficient. Other requests such as having the carrier forward current medical certificates, proper shipping papers, cargo tank certificates, or other needed documents demonstrate that the specialist is continuing to monitor the carrier's compliance, while the carrier is given an opportunity to demonstrate a willingness to comply. Each **RDMC** shall be responsible for ensuring his field personnel have implemented procedures to track the requests of the carrier/shipper. If a carrier/shipper has not complied with a request, the **RDMC** shall ensure appropriate action is taken.

Fields 62 and 63 - Signatures and Code Numbers

The specialist claiming the review on the **MCS-85** is to sign as the Principal Specialist. If only one specialist completes the review, line through the Assistant Specialist area.

d. Part D - SR/CR Input Matrix

- (1) Enter carrier name, carrier census number, region code, state two letter abbreviation, safety specialist code number, and 6 digit date information.
- (2) Complete a **MCS-151 SR** Part **B**, for the purpose of working papers.
 - (a) If no critical and/or acute violations are discovered in those parts of the regulations which were evaluated using the **SR interview** and sampling procedures, the questions on the **SR** Part B are answered yes.
 - (b) If critical and/or acute violations are discovered in those parts of the regulations which were evaluated **in-depth** during the CR, including those parts in which the review of records was expanded beyond the **SR** procedures, the questions on the **SR** Part B are answered using the following critical and acute violation guidelines. (See Attachment G for all **SR** questions which are associated with critical and acute violations.)
 - 1 If a noncompliance rate of **10** percent or higher is discovered with any critical violation, the question(s) on the **SR** is linked directly to that critical violation is to be answered "**no.**"

- 2 If an acute violation is discovered during the course of the review, the **SR** question(s) which is directly associated with the violation is answered "no."
- 3 Place an "x" or a " " check mark in those boxes which correspond with the "no" responses the carrier would have received had an **SR** been completed. Leave all other boxes blank.
- 4 The motor carrier does not receive a copy of Part **D**.

8. REVIEW PROCEDURE: SHIPPER, TERMINAL REVIEW, AND HOUSEHOLD GOODS AGENT

- a. Planning (see previous instructions)
- b. Opening Interview (see previous instructions)
- c. Shipper Review
 - (1) Ask for someone in the organization to explain the procedure for classifying, describing, packaging, marking, and labeling of containers, preparation of shipping papers and supplying proper placards to the carrier. If there are shipments ready to be tendered, examine the packages and shipping papers to see if they meet requirements. If a violation is found, have your contact person work backward through the sequence to see where the breakdown(s) is occurring and see if it can be determined as to why it occurred and how the causes(s) can be corrected. Make notes for the review and exit interview.

- (2) Inquire about and examine container failures, if available. Follow up to see if the carrier filed a Hazardous Materials Incident Report.
- (3) Obtain a list of carriers used by shipper. Carriers that are transporting shipments in violation shall be listed on a separate sheet of paper, and together with copies of the incorrect shipping papers, submitted to the **SD/OIC** for distribution. Also, obtain a list of the shipper's consignees that might reship hazardous materials for possible identification of unknown shippers.
- (4) List all violations discovered during shipper reviews on Part B

d. Terminal, Branch, or Division Reviews

- (1) Reviews at locations other than the principal place of business shall be kept to a minimum. Approval from the specialist's Regional Office and the Regional Office of the **carrier's/shipper's** principal place of business must be granted prior to this activity.
- (2) Part A of all reviews completed at locations other than the principal place of business, shall be identified by printing "Terminal Review" to the right of the DOT logo in the upper left hand corner. Fields **1-25** shall be completed as though the review was being performed at the carrier's principal place of business. Other information shall be listed pertaining to that terminal operation only i.e., number of drivers, equipment etc.

- (3) Specialists shall exercise care when citing motor carriers for recordkeeping violations while performing "other facility" reviews. In the past, specialists have cited carriers for failure to maintain driver qualification files and record of duty status at the location being reviewed when such records were properly on file at the motor carrier's principal office for safety.
- (4) If recordkeeping violations are cited, they shall be cited only after carrier officials have telephoned the principal place of business for safety and have stated to the specialist that the records cannot be located.

e. Household Goods Carriers' Agent Reviews

- (1) Many household goods carriers utilize agents for performing transportation services. These agents may or may not be interstate motor carriers or hold operating authority from the ICC. When reviewing an agent which does not possess its own interstate rights, one report shall be prepared. This report shall show the census number, name, and principal office address of the authorized carrier. "Terminal Review" shall be entered on Part A, to the right of the DOT logo in the upper left hand corner and the agent's name and address entered in Field 60 of Part C.
- (2) When reviewing an agent which also conducts interstate motor carrier operations in its own right, if both the agent's and the principal's operations are reviewed, two reports will be prepared. One report shall show the principal and the agent as outlined in the above paragraph, and the other report shall show the agent as operating in its own right.

9. SELECTIVE COMPLIANCE AND ENFORCEMENT PROGRAM/RATING -
BACKGROUND

a. Carrier Reviews

- (1) Motor carriers who currently possess a "conditional" or "unsatisfactory" rating and those motor carriers who receive a "conditional" or "unsatisfactory" rating based on the results of a **SR** or **CR** will be placed in a Selective Compliance and Enforcement (**SCE**) Program. Of the carriers placed in this initial grouping, Headquarters will further sort the field creating a high risk grouping for potential compliance reviews. This focusing will occur based on national sorting criteria developed by Headquarters on an annual basis beginning each October 1.
- (2) Headquarters will prepare a computer list of motor carriers (sorted high-risk printout) for the use of each Region in scheduling **CRs**. Division Offices shall select carriers from this list, based upon advice from their respective Regional Offices, and prepare a schedule. Due to the time and complexity involved in performing **CRs**, and the strong possibility that the review may involve enforcement action, only experienced safety specialists shall be assigned carriers from this high-risk grouping. Less experienced specialists are encouraged to assist in a "team" effort.

- (3) Carriers not appearing on the sorted high-risk printout, after approval from Region and Headquarters, may be scheduled for a CR in unusual circumstances. However, these additions should be kept to a minimum due to the amount of **SRs** that will have to be performed. Reasons or explanations for deviating from the list must be documented and explained under Fields **50** and **60** of Part C
- (4) The results of a CR may trigger one of the following courses of action:
 - (a) Prosecution via an enforcement case, with continued follow-up.
 - (b) Sanctions imposed.
 - (c) Carrier placed in an approved Regional Selective Monitoring Program with mandated scheduled follow-ups.
 - (d) Rating upgraded and continued technical/educational assistance provided as needed.
- b. Shipper Reviews. Reviews of shippers are completed using the CR. The criteria used for selecting shippers for review will be developed by each Regional Office, using the following guidelines:
 - (1) Reason to believe noncompliance with **HMRs**.
 - (2) To determine corrective action taken after a previous review.
 - (3) To evaluate a shipper who has not been previously reviewed.

- (4) Has not been reviewed in 5 years, taking into account the type of materials shipped and degree of hazard presented.

c. Rating of Carriers

- (1) Ratings will be assigned from information compiled during the CR.
- (2) In rating CR's, the **OMC** uses the same **75** regulatory/safety management questions from the **SR** to evaluate the carrier's overall safety posture. In answering these questions during a CR, the safety specialist utilizes guidelines directly related to evaluating critical and acute violations of the **FMCSRs** and **HMRs**. Thus, the rating scheme for both the **SR** and CR are directly linked, providing an adequate forum, for before and after analysis.

NOTE: It is not intended that the safety specialist prepare the **SR** Parts **B1, B2, B3,** and **B4,** if applicable, in a manner which must be submitted with the CR to headquarters. In the CR rating process, the questions should be used solely to obtain "**NO**" responses for entry on the Input Matrix.

- (3) The rating derived from information on the CR is based on a point accumulation. Rated questions on Part B are weighted **1-10**. A "no" response, for instance, on a question weighted 5 will result in 5 points being assessed against the motor carrier. In order to balance the "safety significance" of the regulations, Parts of the **FMCSRs** having similar characteristics are combined together into factors. There are five of these factors. Each factor rating is based on predetermined point ranges for

"satisfactory," "conditional," and "unsatisfactory." A sixth factor is used to address accident history of the motor carrier. This factor is assigned based on the carrier's reportable preventable accident rate to a national accident rate. The carrier's overall rating will then be determined by the combination of factors that result in the "satisfactory," "conditional," or "unsatisfactory" overall safety rating.

10. DISTRIBUTION OF CR

a. Distribution by Specialist

<u>Circumstance</u>	<u>Distribution</u>
(1) Subject domiciled in territory of reporting staff member	<p><u>Original</u> to subject Field File, Parts A, B, C and D.</p> <p><u>Copy 1</u> to SD/OIC of reporting staff member, Parts A, B, C and D.</p> <p><u>Copy 2</u> to subject at time of review, Parts A and B.</p>

Circumstance

- (2) Review of terminal, branch, or division Principal office in other territory.

Distribution

Original to reporting staff member's SD/OIC, Parts A, B, C, and D.

Copy 1 to reporting staff member's SD/OIC, Parts A, B C and D.

Copy 2 to reporting staff member's SD/OIC, Parts A, B, C and D. (Carrier's or shipper's principal office copy.)

COPY 3 to subject at time of review, Parts A and B.

COPY 4 retained by reporting staff member (optional).

b. Distribution by SD/OICCircumstance

- (1) Subject domiciled in territory of reporting staff member.

Distribution

Copy 1 to RDMC or Hdqtrs., in accordance with Regional policy.

- (2) Review of terminal,
branch, or division.
Principal office
in other territory.

Original to
Region, SD/OIC,
or Division or
where
domiciled.

COPY 1 to RDMC or
Hdqtrs., in
accordance with
Regional policy.

COPY 2 to Region,
SD/OIC, or
territory where
subject is
domiciled.
(Carrier's or
shipper's principal
office
copy.)

c. Distribution by RDMC for Motor Carriers

<u>Circumstance</u>	<u>Distribution</u>
(1) Subject domiciled in Headquarters.	<u>Copy 1</u> to Region.
(2) Subject domiciled in another Region.	<u>Original</u> to Region of domicile. <u>COPY 1</u> to Hdqtrs.

Copy 2 to Region of domicile.

(Carrier's or shipper's principal office copy.)

- (3) Receipt of reports from Region, carrier or shipper domiciled in receiving Region. Original to staff member in whose territory subject is domiciled.


Copy 2 to carrier's or shipper's principal office via certified mail with cover letter advising of findings. Letter may be over the signature of the **RDMC, SD/OIC**, or staff member in whose territory the entity is domiciled.

- d. Tabbing of Original and Copies of Reports. The original and all copies of reports transmitted by the staff member who prepared them will be clearly marked or tabbed to show where the original and all copies of the reports shall be sent. Parts A, B, C and D shall be stapled to prevent accidental separation during transmittal.

- e. Prompt Transmittal

- (1) Copy 2 of each CR must be forwarded to the **SD/OIC** within **10** working days from the date entered on Part A. If the safety specialist is to be away from the office for more than **10** working days, the reviews are to be mailed to the **SD/OIC** from the work location.

Attachment A

 US Department of Transportation Federal Highway Administration		4. NAME OF MOTOR CARRIER/SHIPPER SGP Inc. (South Georgia Pools, Inc. d.b.a.)				CHANGE CORRECTION MERGE																												
		5. FIRST LOCATOR SGP Inc		6. SECOND LOCATOR SouthGeorgiaPools																														
SAFETY COMPLIANCE REVIEW CARRIER/SHIPPER IDENTIFICATION		7. STREET ADDRESS/P.O. BOX/ROUTE NUMBER 7738 Willow Lane																																
1. DOCUMENT NUMBER		8. CITY Albany		9. COUNTY 024	10. STATE GA	11. ZIP CODE 37111																												
2a. b. CARRIER CENSUS NMNR N 0 399740		12. STREET ADDRESS/P.O. BOX/ROUTE NUMBER P.O. Box 319																																
3a. b. SHIPPER CENSUS NMNR N 0 S73312		13. CITY Albany		14. COUNTY 024	15. STATE GA	16. ZIP CODE 37112																												
17. REGION 4	18. OIC # 013	19. TERRITORY I	20. PRINCIPAL PHONE NMNR AREA 912 EXCHANGE 333 NUMBER 1212		21. ICC DOCKET NUMBERS a. MC _____ b. MC _____																													
22. CLASSIFICATION A AUTHORIZED FOR HIRE B. EXEMPT FOR HIRE <input checked="" type="radio"/> PRIVATE D. MIGRANT E. U.S. MAIL F. O T H F R				23. CARRIER OPERATION <input checked="" type="radio"/> INTERSTATE B INTRASTATE ONLY C FOREIGN		24. SHIPPER OPERATION <input checked="" type="radio"/> INTERSTATE B INTRASTATE ONLY C FOREIGN																												
25. a. BUSINESS ORGANIZATION A INDIVIDUAL B PARTNERSHIP C CORPORATION: b. STATE GA c. YEAR 1978						26. PRINCIPAL CARGO NAME Swimming Pools																												
27. CARGO CLASSIFICATIONS A. GENERAL FREIGHT G. BUILDING MATERIALS N. OILFIELD EQUIPMENT <input checked="" type="radio"/> CHEMICALS B. HOUSEHOLD GOODS H. MOBILE HOMES O. LIVESTOCK V. COMMODITIES DRY BULK C. METAL: SHEETS, COILS, ROLLS I. MACHINERY, LARGE OBJECTS P. GRAIN, FEED, HAY W. REFRIGERATED FOOD D. MOTOR VEHICLES J. FRESH PRODUCE Q. COAL/COKE X. BEVERAGES E. DRIVEAWAY/TOWAWAY K. LIQUIDS/GASES S. NEW FURNITURE/FIXTURES Y. PAPER PRODUCTS F. LOGS, POLES, BEAMS, LUMBER L. INTERMODAL T. U.S. MAIL Z. _____						28. RESERVED ↓ 29. RESERVED ↓ 30. RESERVED ↓ 31. RESERVED ↓																												
32. HAZARDOUS MATERIALS CARRIED/SHIPPED																																		
<table border="0"> <tr> <td>C S A. EXPLOSIVES A</td> <td>T P <input checked="" type="radio"/> H. CORROSIVES</td> <td>T <input checked="" type="radio"/> C S O. IRRITATING MATERIAL</td> <td>T P</td> </tr> <tr> <td>C S B. EXPLOSIVES B</td> <td>T P C S I. OXIDIZERS</td> <td>T P C S P. 'ORM' MATERIAL</td> <td>T P</td> </tr> <tr> <td>C S C. EXPLOSIVES C</td> <td>T P C S J. POISON A</td> <td>T P C S Q. HAZARDOUS WASTE</td> <td>T P</td> </tr> <tr> <td>C S D. FLAMMABLE LIQUID</td> <td>T P C S K. POISON B</td> <td>T P C S R. ETIOLOGIC AGENT</td> <td>T P</td> </tr> <tr> <td>C S E. FLAMMABLE SOLID</td> <td>T P C S L. COMBUSTIBLE LIQUID</td> <td>T P C S S. BLASTING AGENT</td> <td>T P</td> </tr> <tr> <td>C S F. FLAMMABLE GAS</td> <td>T P C S M. RADIOACTIVE MATRL</td> <td>T P C S T. HAZARDOUS SUBSTNCE</td> <td>T P</td> </tr> <tr> <td>C S G. NON-FLAMMABLE GAS</td> <td>T P C S N. ORGANIC PEROXIDE</td> <td>T P C S U. CRYOGENICS</td> <td>T P</td> </tr> </table>							C S A. EXPLOSIVES A	T P <input checked="" type="radio"/> H. CORROSIVES	T <input checked="" type="radio"/> C S O. IRRITATING MATERIAL	T P	C S B. EXPLOSIVES B	T P C S I. OXIDIZERS	T P C S P. 'ORM' MATERIAL	T P	C S C. EXPLOSIVES C	T P C S J. POISON A	T P C S Q. HAZARDOUS WASTE	T P	C S D. FLAMMABLE LIQUID	T P C S K. POISON B	T P C S R. ETIOLOGIC AGENT	T P	C S E. FLAMMABLE SOLID	T P C S L. COMBUSTIBLE LIQUID	T P C S S. BLASTING AGENT	T P	C S F. FLAMMABLE GAS	T P C S M. RADIOACTIVE MATRL	T P C S T. HAZARDOUS SUBSTNCE	T P	C S G. NON-FLAMMABLE GAS	T P C S N. ORGANIC PEROXIDE	T P C S U. CRYOGENICS	T P
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C S G. NON-FLAMMABLE GAS	T P C S N. ORGANIC PEROXIDE	T P C S U. CRYOGENICS	T P																															
33. GROSS REVENUE \$2,180,000		34. DATES OF REVENUE a. FROM 01/01/85 b. TO 12/31/85		35. DIVIDED RECORD AUTH. a. YES b. <input checked="" type="radio"/> NO		36. AVG NMNR OF TRIP LEASED DRIVERS PER MONTH 0																												
37. EQUIPMENT						38. DRIVERS SUBJECT FMCSR																												
	TRUCKS	TRUCK TRACTORS	TRAILERS	HM CARGO TANK TRAILER	HM CARGO TANK TRUCK	BUSES																												
OWNED	a. 2	b. 2	c. 2	d. /	e. /	f. /																												
5 YEAR LEAS'D	g. /	h. /	i. /	j. /	k. /	l. /																												
TRIP LEAS'D	m. /	n. /	o. /	p. /	q. /	r. /																												
						Commercial zone a. 0																												
						100 Mile Radius b. 0																												
						Beyond 100 Mile Radius c. 5																												
						TOTAL d. 5																												
39. PERSONS INTERVIEWED DURING THIS REVIEW																																		
NAME Kenneth Jacobs		NAME Steven Jacobs		NAME Dennis Jacobs																														
TITLE President		TITLE Vice-President		TITLE Treasurer																														
40. SIGNATURES																																		
a. RECEIVED BY Kenneth Jacobs				b. TITLE PRESIDENT																														
c. REPORTED BY Don Sanders				e. TITLE Safety Manager		f. DATE 11-06-86																												
				g. CODE 001																														

MCS-151 SR-1/CR-1 Part A (Rev. 2/87)

Attachment A
cont'd

COMPLIANCE REVIEW		CARRIER CENSUS NO 399740	SHIPPER CENSUS NO S73312	DATE 11/06/86	PAGE 1 OF 2
SEQ 1	41 CODE NUMBER 387.7C	42 SECTION NUMBER 387.7(d)	43 NMBR DISCOVERED 41	44 NMBR CHECKED 41	45 DVRS/VHCLS VIOLATN
<p>Failing to maintain at principal place of business proof of required financial responsibility.</p> <p>EXAMPLE: Driver Alice L. Stancil, interstate trip 09/23/86 (GA-TX). No MCS-90 on file for required \$1,000,000 hazardous materials coverage.</p>					
SEQ 2	41 CODE NUMBER 391.51B1	42 SECTION NUMBER 391.51(b)(1)	43 NMBR DISCOVERED 1	44 NMBR CHECKED 5	45 DVRS/VHCLS VIOLATN 1
<p>Failing to maintain medical examiner's certificate in driver's qualification file.</p> <p>EXAMPLE: Driver Dallas B. Ford, interstate trip 09/17/86 (GA-AL).</p>					
SEQ 3	41 CODE NUMBER 391.51B3	42 SECTION NUMBER 391.51(b)(3)	43 NMBR DISCOVERED 2	44 NMBR CHECKED 5	45 DVRS/VHCLS VIOLATN 2
<p>Failing to maintain notation of annual review of driver's driving record in driver's qualification file.</p> <p>EXAMPLE: Driver Thomas C. Neil, interstate trip 08/30/86 (GA-FL).</p>					
SEQ 4	41 CODE NUMBER 394.9A	42 SECTION NUMBER 394.9(a)	43 NMBR DISCOVERED 2	44 NMBR CHECKED 2	45 DVRS/VHCLS VIOLATN
<p>Failing to report an accident.</p> <p>EXAMPLE: 08/18/86, Driver Alice L. Stancil, \$10,000 property damage.</p>					
46 RECOMMENDATIONS _____					
SEE RECOMMENDATIONS, PAGE 2					
RECEIVED BY: <i>Kenneth Jacobs</i>			TITLE: <i>PRESIDENT</i>		

MCS-151

CR-1 Part B (10-86)

Attachment A
cont'd

COMPLIANCE REVIEW		CARRIER CENSUS NO.	SHIPPER CENSUS NO.	DATE	PAGE
		399740	S73312	11/06/86	2 OF 2
SEQ 5	41. CODE NUMBER 395.8E	42. SECTION NUMBER 395.8(e)	43. NMBR DISCOVERED 63	44. NMBR CHECKED 210	45. DVRS/VHCLS VIOLAT 5
<p>Requiring or permitting driver to make false entries upon a record of duty status.</p> <p>EXAMPLE: Drivers are entering "off duty" when actually "driving" or "on duty".</p>					
SEQ 6	41. CODE NUMBER 172.202A	42. SECTION NUMBER 172.202(a)	43. NMBR DISCOVERED 14	44. NMBR CHECKED 14	45. DVRS/VHCLS VIOLAT
<p>Failing to enter on shipping papers the proper identification number.</p> <p>EXAMPLE: 08/27/86 Delivery Ticket #173 fails to show any identification number. Should show - compound, cleaning, liquid corrosive material NA 1760.</p>					
SEQ 7	41. CODE NUMBER 177.817A	42. SECTION NUMBER 177.817(a)	43. NMBR DISCOVERED 14	44. NMBR CHECKED 14	45. DVRS/VHCLS VIOLAT
<p>Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper.</p> <p>EXAMPLE: 08/14/86, Delivery Ticket #220 fails to show any identification number. Should show - compound, cleaning, liquid corrosive material NA1760.</p>					
SEQ	41. CODE NUMBER	42. SECTION NUMBER	43. NMBR DISCOVERED	44. NMBR CHECKED	45. DVRS/VHCLS VIOLAT
<div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 1px solid black; background: linear-gradient(to top right, transparent 49%, black 49%, black 51%, transparent 51%); background-size: 100% 100%;"></div>					
<p>46. RECOMMENDATIONS "A properly executed copy of form MCS-90 Endorsement must be filed with the Office of Motor Carriers, 1720 Peachtree Road, NW, suite 300, Atlanta, Georgia 30367, within 10 working days from the date of this document." Report MCS-50T, the two unreported accidents. Begin matching the times and dates of your sign "in" and "out" sheet and other documents with log entries to detect falsification. Obtain a stamp or have the delivery ticket preprinted with the proper hazardous material description for the "corrosive" product.</p>					
RECEIVED BY:			TITLE:		
Kenneth Jacobs			PRESIDENT		

MCS-151

CR-1 Part B (10-86)

U.S. Department of Transportation Federal Highway Administration		CARRIER CENSUS NO. 399740		SHIPPER CENSUS NO. S73312		DATE 11/06/86		PAGE OF 1 1																																				
50. REASON FOR REVIEW:						51. PLANNED COURSE OF ACTION:																																						
(TRA-AGENCY MEMORANDUM SAFETY COMPLIANCE REVIEW CARRIER SHIPPER EVALUATION)						A RATING COMPLAINT: No. 4I-86-053 C SELECTIVE COMPLIANCE/ENFORCEMENT D OTHER				PROSECUTION: No. 4I-86-099-001 C SANCTIONS D ADMINISTRATIVE HANDLING																																		
2. 49 CFR		a.		b.		c.		d.		e.		f.		g.		h.		i.		j.		k.		l.		m.		n.		o.		p.		q.										
PARTS		YES		391		392		393		394		395		396		397		398		399		171		172		173		177		178		325		367										
REVIEWED		NO		✓		✓		✓		✓		✓		✓		✓		✓		✓		✓		✓		✓		✓		✓		✓		✓										
53 ACCIDENT INFORMATION (PRIOR 365 DAYS)																																												
TOTAL ACCIDENTS					TOTAL PREVENTABLE					TOTAL REPORTABLE					TOTAL NOT REPORTED					TOTAL PREVENTABLE THAT ARE REPORTABLE																								
A					B					C					D					E																								
4					4					2					2					2																								
TOTAL FATALITIES					TOTAL INJURIES					TOTAL MILES					54. RESERVED					55. RESERVED																								
F					G					H																																		
0					0					850,000																																		
56 HOURS OF SERVICE — VIOLATION SEVERITY																																												
										10 HOUR RULE					15 HOUR RULE					60 HOURS/7 DAYS					70 HOURS/8 DAYS																			
LESS OR EQUAL 1										a					0					b					0					c					d					0				
GREATER 1 LESS/EQUAL 2										e					0					f					0					g					h					0				
GREATER 2 LESS/EQUAL 3										i					0					j					0					k					l					0				
GREATER 3 LESS/EQUAL 5										m					0					n					0					o					p					0				
GREATER THAN 5										q					0					r					0					s					t					0				
PRIOR ACTION DATES																																												
57. SAFETY REVIEWS										58. COMPLIANCE REVIEWS										59. PROSECUTIONS																								
A 08/10/86										A										A																								
B										B										B																								
C										C										C																								
60. STATEMENTS MADE BY CARRIER/SHIPPER RELATIVE TO IMPROVING SAFETY COMPLIANCE OR OTHER COMMENTS RELATIVE TO THIS REVIEW:																																												
Compliance review was initiated as a result of a followup to 08/10/86 safety review and a written complaint received on 8/15/86. Complainant alleged drivers were falsifying logs and the accumulated fatigue from the excess hours caused two major accidents. Previous safety review showed carrier was "unsat" in Parts 391, 395, and 177. No excess hours violations were discovered. However, the multitude of false logs discovered shows the excess hours were concealed by the falsification. A reconstruction of the hrs. of the two drivers involved in the two preventable/reportable accidents show that each driver had exceeded the driving time limitation several hours before the accident occurred. Enforcement case 4I-86-099-001 will be submitted including Part 394 and 395 violations.																																												
61. ACTIONS REQUESTED OF CARRIER/SHIPPER: President Kenneth Jacobs was requested to forward within two weeks, to the Georgia OMC, a letter outlining the actions implemented to effect compliance. A copy of the MCS-90 and driver Dallas Ford's medical certificate was to be included with the letter of correspondence.																																												
PRINCIPAL INVESTIGATOR SIGNATURE										62. CODE NUMBER										ASSISTANT INVESTIGATOR SIGNATURE										63. CODE NUMBER														
[Signature]										001										[Signature]										[Signature]														

Attachment A
cont'd

[illegible]

Attachment B

PREScribed ENTRIES FOR REPORTING VIOLATIONS OF
49 CFR PARTS 387-397

The Management Information System code (MIS code) is composed of the **FMCSR** section number plus alpha and/or numeric characters to distinguish between violations having the same section number. This permits the selective storage and retrieval of data in the Management Information System.

The MIS code is shown first. The legally correct **FMCSR** section number appears in parentheses. Both the MIS code and the **FMCSR** section number **must be** entered on all **CRs**. Only the **FMCSR** or **HMR** section number is to be used for enforcement reports.

Violation Identifi- cation Code	Prescribed Description of Finding	Number Discovered	Example
387.7B (387.7(a))	Operating a motor vehicle without having in effect the required minimum levels of financial responsibility, coverage of: \$ _____.	One each occurrence	Vehicle license number or company number, date of interstate trip (or intrastate HM trip).

387.7D (387.7(d))	Failing to maintain principal place of business required proof of financial responsibility.	One each occurrence	Specify endorsement(s) and/or surety bond and hazardous or nonhazardous coverage. Identify interstate trip by driver, date, and/or shipping document number (or intrastate HM trip).
387.7F (387.7(f))	Failure of foreign carrier to have on board vehicle a legible copy, in English, of proof of financial responsibility.	One each occurrence	Vehicle license number, or company number, date of foreign trip.
387.11 (387.7(a))/ 387.11)	The policy of insurance or surety bond is furnished by an insurer or surety not authorized to issue such policies or bonds in carrier's State of domicile.	One each occurrence	Name and address of unauthorized insurer or surety. Identify interstate trip by driver, date, and/or shipping document number (or intrastate H/M trip).

387.15 (387.15)	Failing to have complete information on required endorsement(s) or surety bond.	One each occurrence	Specify name of document and information omitted. Identify interstate trip by driver, date, and/or shipping document number (or intrastate HM trip).
387.31A1 (387.31(a))	Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility, coverage of: \$_____.	One each occurrence	Vehicle license number or company number, date of interstate trip.
387.31D (387.31(d))	Failing to maintain at principal place of business required proof of financial responsibility for passenger vehicles.	One each occurrence	Specify endorsement(s) and/or surety bond and coverage. Identify interstate trip by driver, date and/or passenger document number.

387.31F (387.31(f))	Failure of foreign passenger carrier to have on board a legible copy, in English, of proof of financial responsibility.	One each occurrence	Vehicle license number, or company number, date of foreign trip.
387.35 (387.31(a)/ 387.35)	The policy of insurance or surety bond is furnished by an insurer or surety not authorized to issue such policies or bonds in passenger carrier's State of domicile.	One each occurrence	Name and address of unauthorized insurer of surety. Identify interstate trip by driver, date, and/or passenger document number.
387.39 (387.39)	Failing to have complete information on required endorsement(s) or surety bond for a passenger carrying vehicle.	One each occurrence	Specify name document and information omitted. Identify interstate trip by driver, date, and/or passenger document number.
391.5 (391.5)	Failing to be familiar with Part 391 of the Federal Motor Carrier Safety Regulations (FMCSR).	One each instance	First name, middle initial, last name, and title of person not familiar.

391.7 (391.7)	Aiding or abetting One each driver or carrier instance to violate the rules of the (FMCSR).	First name, middle initial, last name and title of person aiding or abetting, date, and brief but concise statement of the occurrence.
391.11B1 (391.11(a)/ 391.11(b)(1))	Using a driver One each less than 21 years driver old.	First name, middle initial, last name, date of birth, date of interstate trip.
391.11B2 (391.11(a)/ 391.11.(b)(2))	Using a driver One each unable to (read) driver and/or (speak) the English language.	First name, middle initial, last name, date of interstate trip.
391.11B3 (391.11(a)/ 391.11(b)(3))	Using a driver One each lacking training or driver experience to safely operate the vehicle being driven.	First name, middle initial, last name, date of interstate trip.

391.11B4 (391.11(a)/ 391.11.(b)(4))	Using a driver lacking training or driver experience to determine if the (cargo) or (baggage) the driver transports has been properly (located) or (secured). (This description to be used for stowing cargo and baggage).	One each driver	First name, middle initial, last name, date of interstate trip.
391.11B5 (391.11(a)/ 391.11(b)(5))	Using a driver unfamiliar with methods of securing cargo on motor vehicle driven. (This description used for blocking and bracing, etc.)	One each driver	First name, middle initial, last name, date of interstate trip.
391.11B6 (391.11(a)/ 391.11(b)(6))	Using a physically unqualified driver.	One each driver	First name, middle initial, last name, <u>reason</u> <u>not physically</u> <u>qualified</u> , date of interstate trip.
391.11B7 (391.11(a)/ 391.11(b)(7))	Using a driver without a currently valid motor vehicle operator's license or permit.	One each driver	First name, middle initial, last name, date of interstate trip.

391.11B8 (391.11(a)/ 391.11(b)(8))	Failing to require driver to furnish list of motor vehicle traffic violations each 12 months.	One each occurrence	First name, middle initial, last name, date of interstate trip.
391.11B9 (391.15(a))	Using a disqualified driver. (This description to be used for disqualifications listed below - NOT for a physically unqualified driver.)	One each driver	First name middle initial, last name, <u>reason for disqualification</u> , date of interstate trip.

List Reasons for Disqualification in Example as Follows:

Operator's license, permit, or privilege to operate a commercial motor vehicle on the public highway was suspended, revoked, withdrawn or denied on (enter date) in (enter State) and that operator's license, permit or privilege has not been restored.

OR

(Forfeited bond or collateral) or was (convicted) of operating a motor vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug on (enter date) in (enter name of city, county and State.) This offense was committed while the driver was driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

OR

(Forfeited bond or collateral) or was (convicted) of a crime involving the knowing transportation, knowing possession, or unlawful use of amphetamines, a narcotic drug, a formulation of an amphetamine, or a derivative of narcotic drugs on (enter date) in (enter name of city, county and State) while driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

OR

(Forfeited bond or collateral) or was (convicted) on (enter date) in (enter city, county and State) of leaving the scene of an accident which resulted in personal injury or death. The offense was committed while the driver was driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

OR

(Forfeited bond or collateral) or was convicted on (enter date) in (enter city, county and State) of a felony involving the use of a motor vehicle. The offense was committed while the driver was driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

391.11B10	Using a driver who	One each	First name,
(391.11(a)/	has not taken a	driver	middle
391.11(b)(10))	road test or who		initial, last
	has not been issued		name, date of
	certificate of		interstate
	driver's road test		trip.
	or presented a		
	classified license.		

391.11B11 (391.11(a)/ 391.11(b)(11))	Using a driver who has not completed written examination or who has not been issued certificate of written test.	One each driver	First name, middle initial, last name, date of interstate trip.
391.11B12 (391.11(a)/ 391.11(b)(12))	Using a driver who has not completed and furnished employment application.	One each driver	First name, middle initial, last name, date of interstate trip.
391.23A (391.23(a))	Failing to investi- gate driver's background.	One each occurrence	First name, middle, initial, last name, date of interstate trip.
391.23C (391.23(c))	Failing to investi- gate driver's background within 30 days of employment.	One each driver	First name, middle initial, last name, date of interstate trip.
391.25 (391.25)	Failing to (review driver's driving record each 12 months) or (to note review of driver's driving record in driver qualification file).	One each driver	First name, middle initial, last name, date of interstate trip.

391.45A (391.11(a)/ 391.45(a))	Using a driver without a medical examination. (This description to be used when evident that driver has not been examined.)	One each driver	First name, middle initial, last name, date of interstate trip.
391.45B (391.11(a)/ 391.45(b))	Using a driver not physically reexamined each 24 months. (This description to be used when expired certificate is found in carrier's files.)	One each driver	First name, middle initial, last name, date of last examination, date of interstate trip.
391.45C (391.11(a)/ 391.45(c))	Using a driver not physically reexamined after (physical injury or impairment) or (mental injury or impairment).	One each driver	First name, middle initial, last name, reason for need of reexamination, date of interstate trip.

The Driver Qualification File, as required by Section 391.51 must contain the following:

- a. Regularly Employed Driver of the carrier for a continuous period which began before 1/1/71
 - (1) Medical examiner's certificate
 - (2) Waiver letter, if issued
 - (3) Entry relating to annual review, if employed for more than 12 months at time of review
 - (4) List or certificate of violations
 - (5) Any related matter

- b. Newly employed drivers (Employed on or after 1/1/71)
 - (1) All of a
 - (2) Employment application and record of inquiries
 - (3) State investigation and inquiries
 - (4) Road test and the certificate or equivalent
 - (5) Written exam and the certificate, or equivalent
- c. Intermittent, casual, or occasional drivers
 - (1) Medical examiner's certificate
 - (2) Road test certificate or equivalent
 - (3) Written exam and the certificate or equivalent
 - (4) Name and social security number
 - (5) License number, issuing State and description of motor vehicle driver's license
- d. Drivers furnished by another motor carrier
 - (1) Certificate from employing motor carrier that driver meets all requirements. A statement on trip lease form of "**The driver is qualified to drive under Part 391 of the Motor Carrier Safety Regulations**" would satisfy this requirement.

The term "regularly employed driver" means a driver who in any period of 7 consecutive days is employed or used as a driver solely by a single motor carrier.

391.51A	Failing to maintain One each	First name,
(391.51(a))	Driver qualifi- driver	middle
	cation file on each	initial, last
	driver employed.	name, date of
	(This description to	interstate
	be used when NO	trip.
	qualification file	
	is kept.)	

391.51B1 (391.51(b)(1))	Failing to maintain One each medical examiner's driver certificate in driver's qualification file.	First name, middle initial, last name, date of interstate trip.
391.51B2 (391.51(b)(2))	Failing to maintain One each letter granting driver waiver of physical disqualification in qualification file.	First name, middle initial, last name, date of interstate trip.
391.51B3 (391.51(b)(3))	Failing to maintain One each notation of annual driver review of driver's driving record in driver's qualification file.	First name, middle initial, last name, date of interstate trip.
391.51B4 (391.51(b)(4))	Failing to maintain One each (list of certifi-) driver cate of violations of motor vehicle law in driver's qualification file.	First name, middle initial, last name, date of interstate trip.
391.51C2 (391.51(c)(2))	Failing to maintain One each driver's employment driver application, in driver's qualification file.	First name, middle initial, last name, date of interstate trip.

391.51C3 (391.51(c)(3))	Failing to maintain inquiries into driver's driving and employment record in driver's qualification file.	One each driver	First name, middle initial, last name, date of interstate trip.
391.51C4 (391.51(c)(4))	Failing to maintain original of the signed road test and the original or copy of the certificate in driver's qualification file. (Carrier may accept certain State licenses as equivalent - check 391.33.)	One each driver	First name, middle initial, last name, date of interstate trip.
391.51C5 (391.51(c)(5))	Failing to maintain (driver's written examination certificate) and/or (examination questions and answers given) in driver's qualification file.	One each driver	First name, middle initial, last name, date of interstate trip.
391.51D4 (391.51(d)(4))	Failing to maintain casual or intermittent driver's name, social security number, and the identification number, and type and issuing State. of motor vehicle operator's license in driver's qualification file.	One each driver	First name, middle initial, last name, date of interstate trip.

391.51E (391.51(e)/ 391.65(b))	Failing to maintain One each a copy of driver certificate from regular employing carrier that driver is qualified under Part 391 of the Federal Motor Carrier Safety Regulations in driver's qualification file.	First name, middle initial, last name, date of interstate trip.
391.51F (391.51(f))	Failing to keep One each driver qualifi- driver cation file for at least 3 years after termination of driver's employment or failing to keep driver qualification files at principal place of business. (This description to be used when records are being kept at other than principal place of business and NO permission has been granted.)	First name, middle initial, last name. Brief but concise statement as to where files are now kept and where they should be kept.
391.51G (391.51(f)/ 391.51(g))	Maintaining driver One each qualification files driver at location not approved by the Regional Director of Motor Carriers. (This description to be used when permission has been granted to keep files at other than principal office but are actually kept at an unapproved location.)	Brief but concise statement as to unapproved location where records are kept.

391.51H (391.51(h))	Failing to keep One each required records in driver driver's qualification file for 3 years after date of execution. (To be used when it is likely record was made but has been removed.)	First name, middle initial, last name, list each required record not maintained.
391.51I (391.51(a)) plus 391.51 plus specific subsection)	Failing to maintain One each driver qualifi- driver cation file in accordance with 391.51(b), (c), or (d). * = * . description to be used when more than one required document is not maintained and it is desired not to list each one separately.	First name, middle initial, last name, list each required record not maintained.
392.2 (392.2)	Requiring or One each permitting a motor violation vehicle to be operated not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.	First name, middle initial, last name, date, place, and brief description of violation.

392.4A (392.4(a))	Driver under the influence of, or using a narcotic drug , amphetamine, or other substance, which renders driver incapable of safely operating motor vehicle.	One each driver	First name, middle initial, last name, date of interstate trip, brief description of offense.
392.4D (392.4(a))	Driver in possession of a narcotic drug , amphetamine, or other controlled substance, not manifested and part of a shipment.	One each driver	First name, middle initial, last name, date of interstate trip, brief description of substance.
392.5A1 (392.5(a)(1))	Driver consuming an intoxicating liquor within 4 hours before operating a motor vehicle.	One each driver	First name, middle initial, last name, date of interstate trip, brief description of offense.
392.5A2 (392.5(a)(2))	Driver consuming, or under the influence of an intoxicating liquor while operating a motor vehicle.	One each driver	First name, middle initial, last name, date of interstate trip, brief description of offense.

392.5A3 (392.5(a)(3))	Driver operating a motor vehicle while in possession of an intoxicating liquor that is not-manifested and part of cargo being transported.	One each driver	First name, middle initial, last name, date of interstate trip, brief description of intoxicating liquor.
392.5B (392.5(b)(2))	Requiring or permitting a driver who has consumed an intoxicating liquor within 4 hours to operate a motor vehicle. (To be used when carrier knew or should have known.)	One each driver	First, name, middle initial, last name, date of interstate trip, brief description of circumstances.
392.6 (392.6)	Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed.	One each instance	First name, middle initial, last name, describe schedule or run.

**DURING THE PERIOD OF ONE-HALF HOUR
AFTER SUNSET TO ONE-HALF HOUR BEFORE SUNRISE**

393.9 (393.1(a)/ 393.9 plus specific subsection)	Operating a single vehicle or towing vehicle that does not have at least one head lamp operative on low beam.	One each vehicle	Company number (or license number) of vehicle.
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393.9A (393.1(a)/ 393.9 plus specific subsection)	Operating a bus, truck, truck- tractor towed motor (including drive-away-towaway operations) not having at least one steady burning red lamp on the rear of the rearmost vehicle.	One each vehicle	Company number (or license number) of vehicle.
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393.9B (393.1(a)/ 393.9 plus specific subsection)	Operating a vehicle not having at least one operative steady burning red or amber lamp on the rear of loads projecting 4 or more feet beyond the vehicle body.	One each vehicle	Company number (or license number of vehicle.
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AT ANY TIME DAY OR NIGHT

393.9C (393.1(a)/ 393.9 plus specific subsection)	Operating a vehicle not having at least one operative stop lamp on the rear of a single unit vehicle or the rearmost vehicle of a combination of vehicles.	One each vehicle	Company number (or license number) of vehicle.
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393.12 (393.1(a)/ 393.12 plus specific subsection)	Failing to equip (bus or truck) with lamps or reflectors.	One each vehicle	Company number (or license number) of vehicle and brief description of missing lamps or reflectors.
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393.13 (393.1(a)/ 393.13(b) plus specific subsection)	Failing to equip truck-tractor with lamps or reflectors.	One each vehicle	Company number (or license number) of vehicle and brief description of missing lamps or reflectors.
393.14 (393.1(a)/ 393.14 plus specific subsection)	Failing to equip trailer with lamps or reflectors.	One each vehicle	Company number (or license number) of vehicle and brief description of missing lamps or reflectors.
393.16 (393.1(a)/ 393.16 plus specific subsection)	Failing to equip pole trailer with lamps or reflectors.	One each vehicle	Company number (or license number) of vehicle and brief description of missing lamps or reflectors.
393.17 (393.1(a)/ 393.17)	Failing to equip driveaway-towaway vehicle with lamps or reflectors.	One each vehicle	Company number (or license number) of vehicle and brief description of missing items.

393.18A (393.1(a)/ 393.18)	Failing to equip vehicle transport- ing load extending beyond (side(s), (rear) with required lamp(s).	One each vehicle	Company number (or license number) of vehicle and brief description of projection and missing lamps.
393.19 (393.1(a)/ 393.19)	Failing to equip vehicle with turn signal(s).	One each vehicle	Company number (or license number) and location missing or inoperative turn signal(s).
393.19A (393.1(a)/ 393.19)	Failing to install turn signal system capable of flashing simultaneously with ignition of vehicle turned on or off.	One each vehicle	Company number (or license number) of vehicle.
393.20 (393.1(a)/ 393.20)	Failing to mount clearance lamps to indicate extreme (width or height).	One each vehicle	Company number (or license number) of vehicle and brief description of improper mounting.
393.24 (393.1(a)/ 393.24(b))	Failing to equip (bus , truck, or truck-tractor) with two head lamps.	One each vehicle	Company number (or license number) of vehicle.

393.25E (393.1(a)/ 393.25(e) plus appropriate subparagraph)	Failing to equip (bus, truck- tractor or trailer) with (correct color and location of lamp).	One each vehicle	Company number (or license number) of vehicle and brief description of incorrect colored lamp.
393.25G (393.1(a)/ 393.25g))	Failing to equip (bus, truck, etc.) with stop lamp.	One each vehicle	Company number or license number.
393.26D (393.1(a)/ 393.26(d))	Failing to equip (bus, truck, truck-tractor; or trailer) with (correct color and location of reflector).	One each vehicle	Company number (or license number) of vehicle and brief description of incorrect colored reflector.
393.28 (393.1(a)/ 393.28)	Failing to (protect or support) electrical wiring.	One each vehicle	Company number (or license number) of vehicle and brief description of wiring and location.
393.30 (393.1(a)/ 393.30)	Failing to cover a battery.	One each vehicle	Company number (or license number) of vehicle.

393.32 (393.1(a)/ 393.32)	Making detachable wiring connections by twisting together wires.	One each combination of vehicles	Company number (or license number) of the towing and the towed vehicle in the combination.
393.33 (393.1(a)/ 393.33)	Arranging electrical wiring with (bare, loose, dangling or poorly connected) wires.	One each vehicle	Company number (or license number) of vehicle and brief description of defective wiring and its location on the vehicle.
393.40A (393.1(a)/ 393.40 plus specific subsection)	Failing to equip (bus , truck, etc.) with required brake systems.	One each vehicle	Company number (or license number), system not equipped with.
393.41 (393.1(a)/ 391.41 plus specific subsection)	Failing to equip (bus , truck, etc.) with parking brake (or adequate parking brake).	One each vehicle	Company number (or license number) of vehicle. When description refers to an inadequate parking brake, enter a brief description of the defective condition.

393.42A (393.1(a)/ 393.42)	Failing to equip (bus, truck, etc.) with brakes acting on all wheels.	One each vehicle	Company number (or license number) of vehicle and brief description of location of missing brake(s).
393.43A (393.1(a)/ 393.43(a))	Failing to equip towing vehicle with means of protecting service brakes in case of break-away of the towed vehicle.	One each vehicle	Company number (or license number) of vehicle.
393.43B (393.1(a)/ 393.43(b))	Failing to equip towing vehicle with manual or automatic means to actuate trailer brakes in the event of reduction of towing vehicle air supply. (Must be automatic at 20 to 45 psi.)	One each vehicle	Company number or license number.
393.43D (393.1(a)/ 393.43(d))	Failing to equip trailer with (operative) automatic means of brake application upon break-away from towing vehicle, capable of maintaining application for 15 minutes.	One each vehicle	Company number or license number.

393.44 (393.1(a)/ 393.44)	Failing to equip bus with front brake line protec- tion.	One each bus	Company number (or license number) of bus.
393.45A (393.1(a)/ 393.45(a)(4))	Failing to secure brake (hose or tubing) against chafing, kinking, or other mechanical damage.	One each vehicle	Company number (or license number) and brief description of location of hose or tubing and damage or defect.
393.45B (393.1(a)/ 393.45) plus appropriate subsection)	Any other violation of 393.45.	One each vehicle	Company number (or license number) and brief description of location of hose or tubing and damage or defect.
393.46A (393.1(a)/ 393.46(b))	Operating a vehicle with a leak at a brake hose or tubing connection.	One each vehicle	Company number (or license number) and brief description of defect and its location.
396.3AA (396.3(a)(1))	Air leak at a location other than at a connection or in a brake hose/ tubing.	One each vehicle	Company number (or license number) and brief description of defect and its location.

393.46B (393.1(a)) plus specific subsection)	Any other violation of 393.46.	One each vehicle	Company number (or license number) and brief description of defect and its location.
393.47A (393.1(a)/ 393.47)	Failing to equip motor vehicle with brake lining adequate to provide for safe and reliable stopping. Note: Cite here all linings, drums or disc pads contaminated with oil, grease or brake fluid.	One each vehicle	Company number (or license number), brief description of defect.
393.48A (393.1(a)/ (393.48(a))	Failing to equip (bus, truck, etc.) with operative brakes.	One each vehicle	Company number (or license number), location of inoperative brake and reason for inoperative condition, if known.
393.50A (396.3(a)(1) for enforce- ment purposes)	Failing to securely attached (air or vacuum) reservoir to motor vehicle.	One each vehicle	Company number (or license number), location of air reservoir.

393.50C (393.1(a)/ 393.50 plus specific subsection)	Any other violation of 393.50.	One each vehicle	Company number (or license number), location of air reservoir.
393.51 (393.1(a)/ 393.51(a))	Failing to equip brake system with (warning device or gauge).	One each vehicle	Company number (or license number) of vehicle.
393.60B (393.1(a)/ 393.60(b))	Failing to equip a motor vehicle with a windshield free of prohibited damage.	One each vehicle	Company number (or license number) of vehicle and brief description of damage falling within definitions (1), (2), or (3) of Section 393.60.
393.60C (393.1(a)/ 393.60(c))	Using prohibited vision reducing matter upon windshield or window.	One each vehicle	Company number or license number or vehicle and brief description of prohibited matter and its location.
393.63A (393.1(a)/ 393.63(a))	Failing to mark push out or escape windows.	One each vehicle	Company number (or license number) of bus.

393.65B (393.1(a)) plus specific section)	Any other violation of 393.65 .	One each vehicle	Company number (or license number) and brief description of defect or violation.
393.65C (393.1(a)) / 393.65(c))	Failing to securely attach fuel tank to motor vehicle.	One each vehicle	Company number (or license number).
393.67C (393.1(a)) / 397.67(a)(7))	Failing to equip fuel tank fill pipe with a securely fitted cap.	One each vehicle	Company number (or license number).
393.67D (393.1(a)) / 393.67(d))	Failing to equip (bus, truck, etc.) with a fuel tank free of leaks.	One each vehicle	Company number (or license number), and brief description of leak(s).
393.67B (393.1(a)) / plus specific subsection)	Any violation of 393.67 other than fill pipe cap or leaking fuel tank.	One each vehicle	Company number (or license number), and brief description of defect or violation.
393.70A (393.1(a)) / 393.70 plus specific subsection)	Any violation or defect involving lower fifth wheel.	One each vehicle	Company number (or license number), and brief description of defect.

393.70B (393.1(a) 393.70 plus specific subsection)	Any violation or defect involving upper fifth wheel (or king pin).	One each vehicle	Company number (or license number), and brief description of defect.
393.70C (393.1(a)/ 393.70 plus specific subsection)	Any violation of 393.70(c) or (d). (Towing of full trailers and required safety devices.)	One each vehicle	Company number (or license number), and brief description of violation or defects.
393.71A (393.1(a)/ 393.71 plus specific subsection)	Any violation of 393.71 (coupling devices, and towing methods, driveaway- towaway).	One each vehicle	Company number (or license number), and brief description of violation or defects.
393.75A (393.1(a)/ 393.75(a))	Operating a motor vehicle equipped with tires having fabric or cords exposed through the tread and/or sidewall.	One each vehicle	Company number (or license number), and brief description of defect.
393.75B (393.1(a)/ 393.75(b))	Operating a (bus, truck, etc.) equipped with tires on the front wheels having a tread groove pattern depth of less than 4/32 of an inch.	One each vehicle	Company number (or license number), and brief, description of defect.

393.75C (393.1(a)/ 393.75(c))	Operating a motor vehicle equipped with a tire(s) having a tread groove pattern depth of less than 2/32 of an inch.	One each vehicle	Company number (or license number, and brief, description of defect.
393.75D (393.1(a)/ 393.75(d))	Operating a bus with (regrooved, recapped, or retreaded) tires on the front wheels.	One each vehicle	Company number (or license number).
393.75E (393.1(a)/ 393.75 plus subsection and paragraph)	Any other violation of 393.75.	One each vehicle	Company number (or license number).
393.76A (393.1(a)/ 393.76 plus specific subsection)	Any violation of 393.76 (sleeper berths).	One each vehicle	Company number (or license number) and brief description of violation.
393.77A (393.1(a)/ 393.77 plus specific subsection)	Any violation of 393.77 (heaters).	One each vehicle	Company number (or license number), and brief description of violation or defect.

393.78 (393.1(a)/ 393.78 plus specific subsection)	Failing to equip (bus, truck, truck-tractor) with two windshield wipers.	One each vehicle	Company number (or license number) of vehicle, and brief description of location of missing or inoperative wipers.
393.79A (393.1(a)/ 393.79))	Failing to equip (bus, truck, etc.) with a (or an operable) means for preventing or removing an accumulation of ice, snow, frost, or condensation. (Must not be manually operated, is only required when such conditions are likely to be encountered.) NOTE: During warm weather an air conditioner will remove condensation.	One each vehicle	Company number (or license number).
393.80A (393.1(a)/ 393.80(a))	Failing to equip (bus, truck, etc.) with two rear vision mirrors. [Check section for exemption.] (Also use same code if mirrors do not reflect so as to provide view to the rear.)	One each vehicle	Company number (or license number), location of mirror with which not equipped, or brief descrip- tion of why mirror will not reflect to rear.

393.81A (393.1(a)/ 393.81))	Failing to equip (bus , truck, etc.) with a (or an operative) horn.	One each vehicle	Company number (or license number).
393.82 (393.1(a)/ 393.83(a))	Failing to equip (bus , truck, etc.) with speedometer (or with operable speedometer).	One each vehicle	Company number (or license number).
393.83A (393.1(a)/ 393.83(a))	Operating a motor vehicle equipped with exhaust located so as (or is) likely to burn, char, or damage electrical wiring, fuel supply, or any other combustible part of vehicle.	One each vehicle	Company number (or license number), brief description of violation.
393.83B1 (393.1(a)/ 393.83(b))	Operating gasoline powered bus equipped with exhaust system discharging to the atmosphere in excess of 6 inches forward from the rearmost part of bus.	One each vehicle	Company number (or license number).
393.83B2 (393.1(a)/ 393.83(b)(1))	Operating a bus (other than gasoline powered) equipped with exhaust system discharging to the atmosphere in excess of 15 inches forward from the rearmost part of bus. <u>(Check section for exemptions.)</u>	One each vehicle	Company number (or license number).

393.83C (393.1(a)/ 393.83(c))	Operating a (truck or truck-tractor) vehicle equipped with an exhaust system which does not discharge to the atmosphere at a location to the rear of the cab, or (if the exhaust projects above the cab) at a location near the rear of the cab.	One each vehicle	Company number (or license number).
393.91 (393.1(a)/ 393.91)	Operating a bus with passenger seat(s) not securely fastened to vehicle.	One each vehicle	Company number (or license number) of bus.
393.92 (393.1(a)/ 393.92)	Failing to mark bus emergency exists.	One each vehicle	Company number (or license number) of bus.
393.93A (393.1(a)/ 393.93 plus specific subsection)	Failing to equip (bus, truck, etc.) with a seat belt. (392.16 - Use of seat belt).	One each vehicle	Company number (or license number).
393.93B (393.1(a)/ 393.93 plus specific subsection)	Any other violation of 393.93.	One each vehicle	Company number (or license number).

393.100A (393.1(a)/ 393.100(a))	Failing to (load and/or equip) vehicle so as to prevent shifting or falling of cargo. (See 393.100 for special rules and exceptions.)	One each vehicle	Company number (or license number), and brief description of missing securement device(s) or reason cargo is likely to fall or shift.
393.102A (393.1(a)/ 393.102(a))	Vehicle equipped with (inadequate or defective) (tiedown load binders or hardware, means of attachment to the vehicle, including winches or other fastenings). (To be used when vehicle is equipped with required securement devices and it can be shown that such devices are not of prescribed strength, worn, cracked, loose, etc.)	One each vehicle	Company number (or license number), brief description of defect.
393.102B (393.1(a)/ 393.102(f))	Failing to equip vehicle with tie-down assemblies which can be adjusted or tightened. <u>(See 393.102(f) for exceptions.)</u>	One each vehicle	Company number (or license number), and brief description of condition or defect.

393.106A (393.1(a)/ 393.106(a))	Failing to equip vehicle with a headerboard or similar structure to prevent load shifting and penetration or crushing or driver's compartment. (Check section for height, width, substitute devices, and exemptions.)	One each vehicle	Company number (or license number).
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These violation codes are to be used when reporting certain specific defects to parts and accessories not required by Part 393.

396.3A1 (396.3(a)(1))	Operating a motor vehicle with brake drums or discs cracked.	One each vehicle	Company number (or license number), date of interstate trip.
396.3AA (396.3(a)(1))	Air leak at a location other than at a connection or in a brake hose/tubing.	One each vehicle	Company number (or license number), brief description of defect and its location.
396.3E (396.3(a)(1))	(Truck, tractor, trailer, bus, etc.) brake chamber push rod(s) exceeds maximum permitted stroke.	One each vehicle	Company number (or license number), brief description of defect and its location.

396.3H (396.3(a)(1))	(Truck tractor, trailer, bus) (location of) wheel or rim (bent, sprung, or mismatched).	One each vehicle	Company number (or license number), date of interstate trip.
396.3I (396.3(a)(1))	(Truck, tractor trailer, bus) (location of) disc wheel (cracked or with elongated stud holes).	One each vehicle	Company number (or license number), date of interstate trip.
396.3J (396.3(a)(1))	(Truck, tractor trailer, bus) (location of) cast wheel (spoked), (cracked or with wear or slippage in clamp area).	One each vehicle	Company number (or license number), date of interstate trip.
396.3A5 (396.3(a)(1))	Steering wheels are incapable of being turned from full right to full left.	One each vehicle	Company number (or license number), date of interstate or trip.
396.3A5 (396.3(a)(1))	(Steering wheel lash play) more than 30 degrees (arc) is required at the steering wheel rim before the front wheels move from a straight-ahead position.	One each vehicle	Company number (or license number), date of interstate trip.

396.3A5 (396.3(a)(1))	(Steering column) absence or looseness of bolts or positioning parts or resulting in motion of the steering column. (NOTE: Some steering columns are designed to permit some movement.)	One each vehicle	Company number (or license number), date of interstate trip.
396.3A5 (396.3(a)(1))	(Steering gear attachment) missing or loose bolts or other parts resulting in motion of the steering gear box at the point of attachment.	One each vehicle	Company number (or license number), date of interstate trip.
396.3A5 (396.3(a)(1))	(Pitman arm) looseness on steering gear box.	One each vehicle	Company number (or license number), date of interstate trip.
396.3K (396.3(a)(1)0	(Truck, tractor, trailer, bus) (location of) any wheel bolts, nuts or clamps loose, broken, missing or mismatched.	One each vehicle	Company number (or license number), date of interstate trip.

396.3L (396.3(a)(1))	(Truck tractor, trailer, bus) (location of) equipped with (torque arms, U-bolts, spring hangers, or other axle positioning parts) (cracked, broken, loose, or missing) so as to permit displacement of axle from its normal position.	One each vehicle	Company number (or license number), date of interstate trip.
396.3M1 (396.3(a)(1))	(Truck tractor, trailer, bus) (location of) spring leaf (leaves), cracked or broken.	One each vehicle	Company number (or license number), show which leaf or leaves broken, date of interstate trip.
396.3M2 (396.3(a)(1))	(Truck tractor, trailer, bus) (location of) spring leaf (leaves), (cracked, broken, or missing) and shifting has occurred (which may permit, or permitting) spring leaf (or leaves) to (fall out, or come into contact with tire, brake drum, or frame).	One each vehicle	Company number (or license number), date of interstate trip.

396.3M3 (396.3(a)(1))	(Truck tractor, trailer, bus) (location of) air suspension leaking.	One each vehicle	Company number (or license number), date of interstate trip.
396.3M4 (396.3(a)(1))	(Truck tractor, trailer, bus) (location of) torque arm (or any part of torsion arm assembly) (cracked, broken, or missing).	One each vehicle	Company number (or license number), date of interstate trip.
396.3S (396.3(a)(1))	(Truck tractor, trailer, bus) (location of) frame cracked.	One each vehicle	Company number (or license number), date of interstate trip.
396.3T (396.3(a)(1))	(Truck tractor, trailer, bus) body or frame contacting (tire or wheel).	One each vehicle	Company number (or license number), date of interstate trip.
396.3U (396.3(a)(1))	(Truck, tractor, or trailer) adjustable axle assembly (location of) locking pins, missing.	One each vehicle	Company number (or license number), date of interstate trip.
396.3V (396.3(a)(1))	(Truck, tractor, or trailer,) adjustable axle assembly has (in inches) play lengthwise when locked (or latched) in position.	One each vehicle	Company number (or license number), date of interstate trip.

396.3W (396.3(a)(1))	(Truck, tractor or bus) engine cannot be started without external assistance.	One each vehicle	Company number (or license number), date of interstate trip.
394.7 (394.7(a))	Failing to give immediate notice to FHWA of a fatal accident.	On each fatal accident	Date of accident, name of driver and number of deaths.
394.9A (394.9(a))	Failing to report an accident. NOTE: Under "number checked," enter the total number of DOT reportable accidents the carrier experienced in the past 365 day period prior to the date of review.	One each accident	Date of accident and name of driver, dollar damage, number of personal injuries and/or deaths.
394.9B (394.9(a))	Failing to make a timely report of an accident. NOTE: Under "number checked," enter the total number of DOT reportable accidents the carrier experienced in the 365 day period prior to the date of review.	One each accident	Date of accident and date report was received at FHWA Regional Office.

394.9D (394.9(d))	Failing to retain copy of accident report (for 3 years following date of reportable accident), (at carrier's principal place of business or at approved location).	One each accident	Date of accident, dollar damage, number of personal injuries and/or deaths. If failing to retain at required or approved location, note where report is retained and where it should be retained.)
394.20A (394.20(a))	Failing to prepare accident report (MCS-50T or MCS-50B in form and manner prescribed.	One each accident report NOTE; Under number checked, enter the total number of DOT reportable accidents the carrier experienced in the 365 day period prior to the date of review.	Date and name of driver, brief explanation of data not reported.

395.3A1 (395.3(a)(1))	Requiring or permitting driver to drive more than 10 hours.	One each violation	Date, name of driver and total number of hours driving since the driver's last 8 consecutive hours off duty.
395.3A2 (395.3(a)(2))	Requiring or permitting driver to drive after having been on duty 15 hours.	One each violation	Date, name of driver and description in this form: (Date) John J. Jones drove 5 hours after being on duty 15 hours. (Date) Alfred B. Cobb drove 2 hours after being on duty 15 hours.
395.3B (395.3(b))	Requiring or permitting driver to drive after having been on duty more than (60 or 70) hours in (7 or 8) consecu- tive days.	One each violation NOTE: Under "number checked," enter the total number of 7 or 8 day periods checked. Do not enter the total number of logs checked.	Dates of 7 or 8 day period, name of driver, and total number of hours driven after (60 or 70) hours on duty.

**VIOLATIONS APPLICABLE ONLY TO DRIVERS AND VEHICLES
OPERATING IN STATE OF ALASKA**

395.3E1 (395.3(e)(1))	Requiring or permitting driver violation to drive after having been on duty more than 70 hours in 7 consecutive days. (Driving in Alaska.)	One each violation	Dates of 7-day period, name of driver and total number of hours driven after 70 hours on duty.
395.3E2 (395.3(e)(2))	Requiring or permitting driver violation to drive after having been on duty more than 80 hours in 8 consecutive days. (Driving in Alaska.)	One each violation	Dates of 8-day period, name of driver and total number of hours driven after 80 hours on duty.
395.3E3 (395.3(e))	Requiring or permitting a driver violation to drive more than 15 hours. (Driving in Alaska.)	One each violation	Date, name of driver, and total number of hours driving since the driver's last 8 consecutive hours off duty.

395.3E4 (395.3(e))	Requiring or permitting a driver to drive after having been on duty 20 hours. (Driving in Alaska.)	One each violation	Date, name of driver, and description in this form: <u>(Date)</u> John J. Jones drove 5 hours after being on duty 20 hours. <u>(Date)</u> r e d B. Cobb drove 2 hours after being on duty 20 hours.
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END OF VIOLATIONS APPLICABLE SOLELY TO DRIVERS
IN STATE OF ALASKA

395.8A (395.8(a))	Failing to require river to make a record of duty status.	One each record not made	Date and name of driver.
395.8B (395.8 plus appropriate subsection(s))	Failing to require driver to prepare record of duty status in form and manner prescribed. NOTE: This description to be used solely for findings of incomplete required entries. DO NOT USE TO CITE FOR FINDING OF FALSE RECORDS.	One each record	If only a few drivers are involved, enter names and dates. If a magnitude of violations are discovered, enter only a brief statement such as "Drivers are failing to show total mileage, bus, truck, or tractor number" etc., (Subsection (a) through (h) of 395.8)).

395.8E (395.8(e))	Requiring or permitting driver to make false entries upon a record of duty status.	One each record	If findings are few, enter dates and names of drivers. If a magnitude of violations are found, enter a statement of what was found.
395.8E1 (395.8(e))	Failing to require driver to properly enter duty status (on hours of service record) during meal stops.	One each record	Name of driver and date.
395.8I (395.8(i))	Failing to require driver to forward within 13 days each day the original of the record of duty status.	One each record not forwarded	Name of driver and brief statement of last date of record on file with the carrier.
395.8J (395.8(j)(2))	Failing to obtain from driver used (for the first time or intermittently) a signed statement giving the total time on duty during the preceding 7 days and time at which last relieved from duty.	One each instance	Name of driver and date.

395.8K (395.8(k)(1))	Failing to preserve driver's record of duty status for 6 months.	Estimate of number of records which have been prepared but not retained	Brief statement of responsibility to preserve logs for 6 months.
395.8K1 (395.8(k)(1))	Failing to retain driver's record of duty status at principal place of business; or failing to retain driver's record of duty status at an approved location (NOTE: Hours of service records may be retained at driver's home terminal until the 20th day of succeeding calendar month.)	One each record based on best information available NOTE: A driver who does not operate beyond a 100 mile radius of his work reporting location may be exempted from preparing hours of service records. (395.8(k))	Brief statement as to where records must be maintained, and where they are now maintained.
395.13C (395.13(c)(1))	Requiring or permitting a driver declared out of service to operate a motor vehicle before prescribed off duty (or sleeper berth) time has been accumulated.	One each instance	Brief description of circumstances.

396.3A2 (396.3(a)(1))	Failing to inspect and maintain vehicle to ensure safe and proper operation condition. NOTE : This description to be used for findings of vehicle defects NOT specifically covered by a section of Part 393.	One each vehicle	Company number or license number of vehicle and brief description of the defective condition.
396.3B1 (396.3(b))	Failing to keep minimum records of inspection and vehicle maintenance. NOTE: This description to be used when required records are NOT kept.	One each vehicle	Company number or license number of and brief statement of total number of vehicles for which minimum records are not kept.
396.3B2 (396.3(b))	Failing to keep inspection and maintenance records vehicle including - (enter type record not kept as required by subsections (1) through (5) of Section 396.3(b)).	One each vehicle	Company number or license number of or brief statement of number of vehicles for which the required record is not kept.

396.3D (396.3(d))	Failing to retain records of inspection and maintenance (for 1 year) (for 6 months after vehicle is no longer controlled). NOTE: This description to be used when it is likely records were kept.	One each vehicle	Company number or license number of vehicle, or brief statement of number of vehicles for which records were not kept.
396.3E (396.3(a)(1))	Failing to maintain brakes in proper adjustment.	One each vehicle	Company number or license number of vehicle and brief description of condition of brake adjustment.
396.5A (396.5(a))	Failing to ensure that (bus, truck, etc.) is properly lubricated.	One each vehicle	Company number or license number.
396.5B (396.5(b))	Failing to ensure that (bus, truck, etc.) is free of oil and/or grease leaks.	One each vehicle	Company number or license number of vehicle, or brief statement of number of vehicles.

396.7A (396.7(a))	Operating a motor vehicle in such a condition as to likely cause an accident or breakdown.	One each vehicle	To be used in a case report, when single vehicle had several out-of-service defects, or several vehicles had various such defects.
396.9A (396.9(c)(2))	Requiring or permitting the operation of a motor vehicle declared out-of-service before repairs were made.	One each vehicle	Name of driver, vehicle identifica- tion date vehicle was operated.
396.9B (396.9 plus specific subsection(s))	Any other violations of 396.9.	One each vehicle	Brief description or identification.
396.11A (396.11(a))	Failing to require driver to prepare driver vehicle inspection report.	One each report	Name of driver, vehicle identification, date report not prepared.
396.11C (396.11(c)(2))	Failing to retain vehicle inspection report for at least 3 months.	One each report	Name of driver, vehicle identification, date of report not retained.

396.11C1 (396.11(c))	Failing to correct safety related defects reported by driver.	One each failure to correct a reported defect prior to further use of the vehicle	Brief description including date defect was reported, date repairs were made and/or number of days vehicle was used before defect was corrected.
393.11C2 (396.11(c)(1))	Failing to certify that repairs were made or were not necessary.	One each report	Vehicle identification and date certification not made.
396.11C3 (396.11(c)(3))	Failing to carry a legible copy of the last vehicle inspection report in the power unit.	On each report	Name of driver, vehicle identification, date report not carried.
396.13C (396.1(a)/ 396.13(c))	Failing to require driver to sign vehicle inspection report.	One each report	Name of driver vehicle identification, date report not signed.
397.1B (177.804/ 397.2/ 397.1(b))	Failing to require (category of person) to be familiar with or obey rules in Part 397.	One each instance	Category(s) and required employee(s) not conversant with Part 397.

397.3 (177.804/ 397.2/ 397.3)	Requiring or permitting a motor vehicle containing hazardous materials to be (driven) or (parked) at variance with laws of the jurisdiction in which operated.	One each instance	Date, shipping document number, description of violation.
397.5A (177.804/ 397.2/ 397.5(a))	Failing to require a motor vehicle containing (Class A Explosives) or (Class B Explosives) to be attended. <u>(Check regulations for exemptions.)</u>	One each instance	Date, shipping document number, description of violation.
397.5C (177.804/ 397.5/ 397.7(c))	Failing to require a vehicle containing (name hazardous material) and located on (public street or highway or shoulder of highway) to be attended. <u>(Check regulations for exemptions to be used for other than Class A or B Explosives.)</u>	One each instance	Date, shipping document number, description of violation.
397.7A1 (177.804/ 397.2/ 397.7(a)(1))	Requiring or permitting a motor vehicle containing (Class A Explosives) or (Class B Explosives) to be parked within 5 feet of traveled portion of highway.	One each instance	Date, shipping document number, description of violation.

397.7A2 (177.804/ 397.2/ 397.7(a)(2))	Requiring or permitting a motor vehicle containing (Class A Explosives) (Class B Explosives) to be parked on private property without knowledge and consent of person in charge.	One each instance	Date, shipping document number, description of violation.
397.7A3 (177.804/ 397.2/ 397.7(a)(3))	Requiring or permitting a motor vehicle containing (Class A Explosives) or (Class B Explosives) to be parked within 300 feet of a (bridge) or (tunnel) or (dwelling) or (building) or (place where people work, congregate or assemble).	One each instance	Date, shipping document number, description of violation.
397.7B (177.804/ 397.2/ 397.7(b))	Requiring or permitting a motor vehicle containing (name of hazardous materials) to be parked on) or (within 5 feet) of traveled portion of (highway) or (street). <u>[Check regulations for exemptions - to be used for other than Class A or B Explosives.)</u>	One each instance	Date, shipping document number, description of violation.

397.9A (177.804/ 397.2/ 397.9(a))	Requiring or permitting a motor vehicle containing hazardous materials to operate through (heavily populated areas) or (places where crowds are assembled) or (tunnels) or (narrow streets and alleys).	One each instance	Date, shipping document number, description of violation.
397.9B (177.804/ 397.2/ 397.9(b))	Failing to (prepare), or (cause to be prepar- ed) a written plan of route for motor vehicle containing (Class A Explosives) or (Class B Explosives).	One each trip	Date, shipping document number, description of violation.
397.11A (177.804/ 397.2/ 397.11(b))	Requiring or permitting a motor vehicle containing hazardous materials to be operated near an open fire.	One each instance	Date, shipping document number, description of violation.
397.11B (177.804/ 397.2/ 397.11(b))	Requiring or permitting a motor vehicle containing hazardous materials to be parked within 300 feet of an open fire.	One each instance	Date shipping document number, description of violation.

397.13A (177.804/ 397.2/ 397.13(a))	Permitting a person to (smoke) or (carry) a lighted cigarette cigar or pipe) within 25 feet of a motor vehicle containing hazardous materials. (Specify explosives, oxidizing materials, or flammable materials.)	One each instance number,	Date, shipping document description of violation.
397.13B (177.804/ 397.2/ 397.13(b))	Permitting a person to (smoke) or (carry a lighted cigarette, cigar or pipe) within 25 feet of an empty tank motor vehicle used to transport flammable liquids or gases.	One each instance	Date, shipping document number, description of violation,
397.15A (177.804/ 397.2/ 397.15(a))	Permitting a motor vehicle containing hazardous materials to be fueled with the engine operating.	One each instance	Date, shipping document number, description of violation.
397.15B (177.804/ 397.2/ 397.15(b))	Permitting fueling of a motor vehicle containing hazardous materials without a person in control of fueling process while fuel tank is filled.	One each instance	Date, shipping document number, description of violation.

397.17A (177.804/ 397.2/ 397.17(a))	Failing to require driver to examine tires of a motor vehicle containing hazardous materials (each 2 hours or 100 miles) or (at the beginning of each trip) or (each time the vehicle is parked).	One each instance	Date, shipping document number, description of violation.
397.17B (177.804/ 397.2/ 397.17(a))	Requiring or permitting the operating of a vehicle with a (flat) or (leaking) or (improperly inflated) tire.	One each instance	Date, shipping document number, description of violation.
397.17C (177.804/ 397.2/ 397.17(c))	Operating a motor vehicle containing hazardous materials with an overheated tire.	One each instance	Date, shipping document number, description of violation.
397.19A (177.804/ 397.2/ 397.19(a))	Failing to furnish driver of motor vehicle transporting (Class A Explosives) or (Class B Explosives) with (a copy of the rules of Part 397) and/or (emergency procedure instructions).	One each instance	Date, shipping document number, description of violation.

397.19B (177.804/ 397.2/ 397.19(b))	Failing to obtain from driver or having on file receipt for instructions and documents.	One each instance	Date, shipping document number, description of violation.
397.21 (177.804/ 397.2/ 397.21(a))	Failing to mark a vehicle trans- porting hazardous materials with (name or trade name of private carrier) and/or (city or community of principal place of business or where vehicle is based).	One each vehicle	Date, shipping document number, description of violation.

PREScribed ENTRIES FOR REPORTING HAZARDOUS MATERIALS VIOLATIONS
OF

49 CFR PARTS 171-178

The Management Information System code (MIS code) is composed of the Hazardous Material Regulations (**HMR**) section number plus alpha and/or numeric characters to distinguish between violations having the same section number. This permits the selective storage and retrieval of data in the Management Information System.

The MIS code is shown first. The legally correct **HMR** section number appears in parentheses. Both the MIS code and the **HMR** section number must be entered on all **CRs**. Only the **HMR** section number is to be used for enforcement reports.

Violation Identifi- cation Code	Prescribed Description of Finding	Number Discovered	Example
171.2A (171.2(a)) plus specific section)	Offering (or accepting) a hazardous material for transportation not properly classed, described, packaged, marked, labeled, or in proper condition for shipment.	One each shipment	Date, shipping document number, de- scription of violation.
171.2B (171.2(b)) plus specific section)	Transporting or handling a hazardous material not in accordance with existing regulations.	One each shipment	Date, shipping document number, de- cription of violation.

171.2C (171.2(c)) plus specific section)	Representing, marking, certifying to , or selling a package or container intended to contain hazardous materials, not meeting prescribed specifications.	One each occurrence	Date, shipping document number, de- scription of violation.
171.2D2 (171.2(b)/ 173.22(a))	Transporting or handling hazardous materials not in compliance with required provisions of DOT Exemption.	One each occurrence	Date, shipping document number, de- scription of violation.
171.15A (171.15(a))	Failing to give immediate telephone notice of an incident involving hazardous materials.	One each incident	Date, shipping document number, de- scription of violation.
171.16A (171.16(a))	Failing to make written report of an incident involving hazardous materials.	One each incident	Date, shipping document number, de- scription of violation.
171.16B (171.16(a))	Failing to make a <u>timely</u> written report of an incident involving hazardous materials.	One each incident	Date, shipping document number, de- scription of violation.
172.101C (172.200/ 172.101(c)(1))	Improper addition of the qualifying word "mixture or "solution" as part of a proper shipping name.	One each incident	Date, shipping document number, de- scription of violation.

172.102A (172.200/ 172.102(a))	Improper use of the optional' hazardous materials table not in accordance with the provisions.	One each incident	Date, shipping document number, description of violation.
172.201A1 (172.200/ 172.201(a)(1))	Failing to enter a hazardous material description on shipping papers in the manner required.	One each shipment	Date, shipping document number, description of violation.
172.201A2 (172.200/ 172.201(a)(2))	Failing to enter the required description of a hazardous material on a shipping paper legibly printed (manually or mechanically) in English.	One each shipment	Date, shipping document number, description of violation.
172.201A3 (172.200/ 172.201(a)(3))	Using an unauthorized (code) or (abbreviation) on a shipping paper to describe a shipment of hazardous materials.	One each shipment	Date, shipping document number, description of violation.
172.202 (172.200/ 172.202(a)(4))	Failing to enter on a shipping paper the total quantity (by weight, volume, or otherwise appropriate) of a hazardous material.	One each shipment	Date, shipping document number, description of violation.
172.202A (172.200/ 172.202(a))	Failing to enter on shipping papers the proper (description, hazard class, or identification number.	One each shipment	Date, shipping document number, description of violation.

172.202B (172.200/ 172.202(b))	Failing to enter the basic description of a hazardous material in proper sequence on the shipping paper.	One each shipment	Date, shipping document number, de-scription of violation.
172.203A (172.200/ 172.203(a))	Failing to enter the exemption number on a shipping paper, or to have the exemption number clearly associated with the hazardous material commodity entry.	One each shipment	Date, shipping document number, de-scription of violation.
172.203B (172.200/ 172.203(b))	Failing to enter (or properly enter) "Limited Quantity" or " Ltd Qty " on shipping paper for hazardous materials.	One each shipment	Date, shipping document number, de -scription of violation.
172.203D1 (172.200/ 172.203(d))	Failing to include on shipping papers for a shipment of radioactive material the (radionuclide ; physical and chemical form; activity in curies; millicuries ; or microcuries; and category of label).	One each shipment	Date, shipping document number, de -scription of violation.
172.203H1 (172.200/ 172.203(h)(1))	Failing to include the wording " 0.2 percent water" on shipping paper for anhydrous ammonia transported in MC-330 or MC-331 cargo tank (quenched and tempered steel).	One each shipment	Date, shipping document number, de -scription of violation.

172.203H2 (172.200/ 172.203(h)(2))	Failing to include the word "Noncorrosive" or "Noncor" on a shipping paper for noncorrosive liquefied petroleum gas (quenched and tempered steel).	One each shipment	Date, shipping document number, description of violation.
172.203J (172.200/ 172.203(j))	Failing to enter the words "Dangerous When Wet" in association with the proper shipping description when the material is required to be labeled with a "Dangerous When Wet " label.	One each shipment	Date, shipping document number, description of violation.
172.203K1 (172.200/ 172.203(k)(1))	Failing to enter a technical or NIOSH registry name in association with a shipping description for a material that is a poison when the shipping description does not identify the principal poison constituent.	One each shipment	Date, shipping document number, description of violation.
172.203K2 (172.200/ 172.203(k)(2))	Failing to enter the word "Poison" in association with a shipping description when a package contains a material which is a poison, and that fact is not disclosed by the shipping name or hazard class entry.	One each shipment	Date, shipping document number, description of violation.

172.204 (172.204(a))	Failing to make (or sign) prescribed certification on shipping paper of hazardous material offered for transportation.	One each shipment	Date, shipping document number, description of violation.
172.301A (172.301(a))	Failing to mark proper shipping name on package containing hazardous materials.	One each package	Date, shipping document number, description of violation.
172.304 (172.300/ 172.304(a))	Failing to properly mark package of hazardous materials as to package marking requirements. <u>(Refer to Section.)</u>	One each package	Date, shipping document number, description of violation.
172.306A (172.306(a))	Failing to mark consignee's name and address on package containing hazardous materials. <u>(Refer to Section for exceptions.)</u>	One each package	Date, shipping document number, description of violation.
172.312A (172.312(a)(1))	Failing to pack liquid containers of hazardous materials with closures upwards.	One each carton	Date, shipping document number, description of violation.
172.312A2 (172.312(a)(2))	Failing to mark package having an inside packaging of liquid hazardous materials with "This Side Up" or "This End Up."	One each package	Date, shipping document number, description of violation.

172.316A (172.316(a)) plus specific paragraph)	Failing to mark packaging of 110 gallons or less with appropriate ORM (A, B, C, D, or E) designation.	One each package	Date, shipping document number, de- scription of violation.
172.326A (172.326(a))	Failing to mark portable tank with proper shipping name or contents.	One each tank	Date, shipping document number, de- scription of violation.
172.326A2 (172.326(a)(2))	Offering for transportation or transporting a portable tank not properly marked with an identification number.	One each tank	Date, shipping document number, de- scription of violation.
172.326B (177.801/ 172.326(b))	Transporting a portable tank which is marked with the name or identifica- tion number of a hazardous material which does not represent the material being transported.	One each tank	Date, shipping document number, de- scription of violation.
172.326C (172.326(c))	Failing to mark a portable tank with name of owner lessee.	One each tank	Date, shipping document number, de- scription of violation.

172.326D (172.326(d))	Failing to mark a (freight container or vehicle) with an identification number when transporting a portable tank marked with an identification number and the marking is not visible.	One each incident	Date, shipping document number, description of violation.
172.326E (172.300(a)/ 172.326(e))	Failing to maintain proper markings on a portable tank which has not been cleaned and purged of residue and vapor, or which has not been refilled with a material not subject to the Hazardous Materials Regulations.	One each incident	Date, shipping document number, description of violation.
172.328A1 (172.328(a) (1))	Failing to mark a cargo tank with the proper identification number.	One each tank vehicle	Date, shipping document number, description of violation.
172.328A1 (172.328(a)(1))	Failing to provide to a motor carrier the required identification number on placards or affixing an orange panel with the identification number on a cargo tank.	One each tank vehicle	Date, shipping document number, de -scription of violation.

172.328B (172.328(b))	Failing to mark a cargo tank with proper shipping name of contents (or other required markings).	One each tank vehicle	Date, shipping document number, description of violation.
172.328E (172.328(e))	Transporting a cargo tank which is marked with an identification number which does not represent the material being transported.	One each incident	Date, shipping document number, description of violation.
172.328F (172.328(f))	Failing to maintain proper name and/or identification number marking of a hazardous material on a cargo tank which has not been cleaned and purged of material and vapor, or has not been refilled with a material not subject to the Hazardous Materials Regulations.	One each incident	Date, shipping document number, description of violation.
172.332B (172.332(a))	Failing to display an orange identification number panel in conformance with requirements.	One each incident	Date, shipping document number, description of violation.

172.332C (172.332(a))	Failing to display an orange identification number on a placard in conformance with the requirements.	One each incident	Date, shipping document number, description of violation.
172.334A (172.334(a))	Unauthorized display of an identification number marking on a POISON GAS, RADIOACTIVE, or EXPLOSIVES placard.	One each incident	Date, shipping document number, description of violation.
172.334B (172.334(b))	Displaying an identification number marking on a package, freight container, or transport vehicle which does not contain the hazardous material identified by the displayed number.	One each incident	Date, shipping document number, description of violation.
172.334F (172.334(f))	Failing to display an orange identification number panel in proximity to the required placard for the material being transported.	One each incident	Date, shipping document number, description of violation.
172.336B (Do not cite for enforcement purposes)	Failing to properly display identification numbers for hazardous materials in hazard classes not requiring placards.	One each incident	Date, shipping document number, description of violation.

172.336C1 (172.336(c)(1))	Failing to display identification number markings on compartmented cargo tanks in the proper sequence.	One each incident	Date, shipping document number, description of violation.
172.338 (172.338)	Failing to replace lost or destroyed identification number markings on placards or orange panels.	One each incident	Date, shipping document number, description of violation.
172.400A (172.400(a))	Failing to label (or properly label) (container) or package of hazardous materials.	One each container	Date, shipping document number, description of violation.
172.401A (172.401(a)(1))	Affixing a label to package or container that does not contain a hazardous material.	One each container	Date, shipping document number, description of violation.
172.401B (172.401(b))	Affixing a label to a package of hazardous materials (or marking) which by its (design) (shape) or (color) could be (confused) or (conflict) with DOT warning labels.	One each package	Date, shipping document number, description of violation.
172.502A (172.502(a)(2))	Displaying a placard which does not represent the hazard of the material being transported.	One each incident	Date, shipping document number, description of violation.

172.502B (172.502(b))	Display of a placard, sign, or other device which by its (design), (shape), or (color) could be (confused) or (conflict) with DOT prescribed placards.	One each incident	Date, shipping document number, description of violation.
172.516 (172.516(a))	Failing to affix a placard in conformance with the requirements for visibility and display.	One each container	Date, shipping document number, description of violation.
172.519 (172.504(a)/ 172.519))	Placarding a motor vehicle with placard not meeting general specifications for placards.	One each vehicle	Date, shipping document number, description of violation.
177.800A (177.800(a))	Failing to instruct (category of employees) in hazardous materials regulations.	One each category	Category of employee which has not received instructions.
177.800A1 (177.800(a) plus specific section(s) violated)	Failing to make prescribed regulations effective.	One each category	Requirements (category of employee) are not conversant with.
177.801A (177.801(a))	(Transporting) or (Accepting) a shipment of hazardous materials not (in proper condition for transportation) or (certified as to proper packaging, marking, and description).	One each shipment	Date, shipping document number, description of violation.

177.807 (171.15(a))	(See 171.15)	One each shipment	Brief description of violation.
177.807A (171.16(a)) or (171.17(a))	(See 171.16 or 171.17)	One each shipment	Brief description of violation.
177.808 (177.808 plus 'specific section(s) violated)	Shipments of hazardous materials offered by con- necting transporta- tion line must comply with Parts 170-179 of this subchapter.	One each shipment	Date, shipping document number, de- scription of violation.
177.811 (177.811(a))	Failing to properly forward shipments of hazardous materials to destination. <u>[See also 177.853A.)</u>	One each shipment	Date, shipping document number, de- scription of violation.
177.814A (177.814(a))	Failing to maintain cargo tank certifi- cate or manufac- turer's data report at a carrier's principal office, or other approved location.	One each instance	Date, shipping document number, de- scription of violation.
177.814D (177.814(d))	Failing to maintain cargo tank retest and inspection reports in same file with manufacturer's certificate or manufacturer's data report.	One each instance	Date, shipping document number, de- scription of violation.

177.815 (177.815)	Failing to maintain an adequate supply of labels.	One each classification	Date, shipping document number, description of violation.
177.817A (177.817(a))	Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper.	One each shipment	Date, shipping document number, description of violation.
177.817B (177.817(b))	Accepting a shipment of hazardous materials not accompanied by a shipper's certification.	One each shipment	Date, shipping document number, description of violation.
177.817E (177.817(e))	Failing to maintain proper accessibility of shipping papers.	One each incident	Date, shipping document number, description of violation.
177.823A (177.823(a))	Moving a transport vehicle containing hazardous material that is not properly marked or placarded.	One each shipment	Date, vehicle number, description of violation.
177.824B (177.824(b))	Failing to visually inspect a cargo tank at least once in every 2 year period.	One each tank vehicle	Date, vehicle number, description of violation.
177.824E (177.824(e))	Failing to inspect and test (MC-330) (MC-331) cargo tank used to transport compressed gases.	One each tank vehicle	Date, vehicle number, description of violation.

177.824F (177.824(f))	Failing to report the (placing in service) (withdrawing) of a (MC-330) (MC-331) cargo tank.	One each tank vehicle	Date, vehicle number, description of violation.
177.824F2 (177.824(f)(2))	Failing to maintain at carrier's principal place of business, copy of MC-330, MC-331 Cargo Tank Service Report.	One each tank vehicle	Date, vehicle number, description of violation.
177.824H (177.824(h))	Failing to mark cargo tank with date of last test.	One each tank vehicle	Date, vehicle number, description of violation.
177.834A (177.834(a))	Failing to secure (tank) or (barrel) or (drum) or (cylinder) containing (flammable liquid) or (compressed gas) or (corrosive material) or (poisonous material) or (radioactive material) against movement during transportation.	One each occurrence	Date, vehicle number, description of violation.
177.834C (177.800/ 177.834(c))	Permitting smoking on or about vehicle while loading or unloading any explosive, flammable liquid, flammable solid, oxidizing material, or flammable compressed gas.	One each occurrence	Date, vehicle number, description of violation.

177.834E (177.834(e))	Failing to set the handbrake/parking brake of a vehicle while (loading) (unloading) hazardous materials.	One each occurrence	Date, vehicle number, description of violation.
177.834G (177.834(g))	Failing to brace containers of (explosives), or (flammable liquids) or (flammable) (solids) or (oxidizing materials) or (compressed gases) or (poisonous liquids or gases), to prevent relative motion between containers.	One each occurrence	Date, vehicle number, description of violation.
177.834J (177.848(f))	(Loading), (trans- porting), or (storing) prohibited combination of hazardous materials together. <u>(See also 177.848.)</u>	One each occurrence	Date, vehicle number, description of violation.
177.834K (177.834(k))	Failing to load shipment of (flammable solids), (oxidizing materials) or (corrosive liquids) so as to provide ready access for shifting or removal.	One each occurrence	Date, vehicle number, description of violation.

177.841E (177.841(e))	Transporting a package bearing a poison label in the same transport vehicle with material marked or known to be food-stuff, feed, or any edible material intended for consumption by humans or animals.	One each occurrence	Date, vehicle number, description of violation.
177.854D2 (177.854(d))	Transporting damaged containers of hazardous materials which have not been adequately repaired to prevent contamination of other lading.	One each occurrence	Date, vehicle number, shipping document number, name and classification of the commodity, and brief explanation of the event.
177.870 (177.870)	Transporting unauthorized hazardous materials in a passenger carrying vehicle.	One each occurrence	Date, vehicle number, shipping document number, name and classification of the commodity, description of violation.

173.33B (177.801/ 173.33(a))	Transporting hazardous materials in an unauthorized cargo tank. (To be used when cargo tank is not qualified as an authorized container for reasons other than metal identification plate, overturn protection, rear-end protection, or remote emergency discharge controls.)	One each tank vehicle	Date, used, shipping document name and number, classification of the commodity and vehicle number.
173.33A00 (177.801/ 177.33 plus specific section of Part 178)	Operating an (MC-300) cargo tank used to transport hazardous materials not marked with a metal identification plate.	One each tank vehicle	Date, shipping document number, name and classification of commodity, vehicle number.
(Ditto for MC-301 thru MC-331)			
173.33A01	MC-301		
173.33A02	MC-302		
173.33A03	MC-303		
173.33A04	MC-304		
173.33A05	MC-305		
173.33A06	MC-306		
173.33A07	MC-307		
173.33A10	MC-310		

173.33A11	MC-311	
173.33A12	MC-312	
173.33A30	MC-330	
173.33A31	MC-331	
173.33B00 (177.801/ 173.33 plus specific section of Part 178)	Operating an (MC-300) One each cargo tank used to tank transport hazardous vehicle material without adequate overturn protection.	Date, shipping document number, name and classi- fication of the commodity, vehicle number.
	(Ditto for MC-301 thru MC-331)	
173.33B01	MC-301	
173.33B02	MC-302	
173.33B03	MC-303	
173.33B04	MC-304	
173.33B05	MC-305	
173.33B06	MC-306	
173.33B07	MC-307	
173.33B10	MC-310 (Top outlets only)	
173.33B11	MC-311	
173.33B12	MC-312	
173.33B30	MC-330	
173.33B31	MC-331	

173.33C00 (177.801/ 173.33 plus specific section of Part 178)	Operating an (MC-300) One each cargo tank used to tank transport hazardous vehicle materials without adequate rear end protection of fittings.	Date, shipping document number, name and classi- fication of commodity, vehicle number.
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(Ditto for MC-301 thru MC-331)

173.33C01 MC-301

173.33C02 MC-302

173.33C03 MC-303

173.33C04 MC-304

173.33C05 MC-305

173.33C06 MC-306

173.33C07 MC-307

173.33C10 MC-310

173.33C11 MC-311

173.33C12 MC-312

173.33C30 MC-330

173.33C31 MC-331

173.33D00 (177.801/ 173.33 plus specific section of Part 178)	Operating an (MC-300) One each cargo tank used to tank transport hazardous vehicle materials without an operable remote emergency discharge control.	Vehicle number of each tank not equipped.
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(Ditto for MC-301 through MC-331)

173.33D01	MC-301
173.33D02	MC-302
173.33D03	MC-303
173.33D04	MC-304
173.33D05	MC-305
173.33D06	MC-306
173.33D07	MC-307
Not required	MC-310
Not required	MC-311
Not required	MC-312
173.33D30*	MC-330
173.33D31	MC-331

* Required only when transporting flammable compressed gas or **anhydrous** ammonia (see 173.33(k)).

**PRESCRIBED ENTRIES FOR REPORTING HAZARDOUS SUBSTANCE VIOLATIONS
OF**

49 CFR PARTS 171-178

The Management Information System code (MIS code) is composed of the **HMR** section number plus alpha and/or numeric characters to distinguish between violations having the same section number. This permits the selective storage and retrieval of data in the Management Information System.

The MIS code is shown first. The legally correct **HMR** section number appears in parentheses. Both the MIS code and the **HMR** section number must be entered on all **CRs**. Only the **HMR** section number is to be used for enforcement reports.

Violation Identifi- cation Code	Prescribed Description of Finding	Number discovered	Example
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NOTE: The entries in this Attachment are specific to hazardous substances. For general hazardous materials entries for which violations are discovered refer to Attachment C.

171.17 (171.17(a))	Failure of a (person or carrier) to make the required telephonic notification of an (accidental or intentional) discharge of a hazardous substance.	One each shipment	Date, shipping document number, violation, person, or carrier name.
171.17(C) (171.17(a))	Failing to include the additionally required information on the Hazardous Material Incident Report when a hazardous substance is discharged.	One each shipment	Date, shipping document number, description of violation.

171.203C1 (172.200/ 172.203(c)(1))	Failing to enter the hazardous substance constituent on a shipping paper when not identified by the proper shipping name.	One each shipment	Date, shipping document number, description of violation.
172.203C2 (172.203(c)(2))	Failing to enter on a shipping paper the letters "RQ" for a hazardous substance.	One each shipment	Date, shipping document number, description of
172.324A (172.324(a))	Failing to identify a package of 110 gallons or less with the constituents making it a hazardous substance. (NOTE: This provision is mandatory July 1, 1983.)	One each shipment	Date, shipping document number, description of violation.
172.324B (172.324(b))	Failing to mark a package of 110 gallons or less with the letters "RQ" when containing a hazardous substance. (NOTE: This provision is mandatory July 1, 1983.)	One each shipment	Date, shipping document number, description of violation.

**PRESCRIBED ENTRIES FOR REPORTING HAZARDOUS WASTE VIOLATIONS OF
49 CFR PARTS 171-178**

The Management Information System code (MIS code) is composed of the **HMR** section number plus alpha and/or numeric characters to distinguish between violations having the same section number. This permits the selective storage and retrieval of data in the Management Information System.

The MIS code is shown first. The legally correct **HMR** section number appears in parentheses. Both the MIS code and the **HMR** section number must be entered on all **CRs**. Only the **HMR** section number is to be used for enforcement reports.

Violation Identifi- cation Code	Prescribed Description of Finding	Number discovered	Example
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NOTE: The entries in this Attachment are specific to hazardous wastes. For general hazardous materials entries for which violations are discovered refer to Attachment C.

171.3A (171.3(a))	Offering for transportation (or transport-incident) a hazardous waste not properly described, classed, packaged, marked, labeled, or in proper condition for shipment.	One each incident	Date, shipping document number, description of violation.
171.3B1 (171.3(b)(1))	Failing to mark a motor vehicle used to transport hazardous waste with name, address, and if applicable, ICC number. (Not applicable to private carriers of hazardous waste .)	One each incident	Date, shipping document number, description of violation.

171.3B3 (171.3(b)(3))	Failing to deliver the entire quantity of a hazardous waste received to the designated facility (or subsequent carrier, or designated foreign destination).	One each incident	Date, shipping document number, description of violation.
171.15 (171.15(a))	Failing to give immediate telephone notification of an incident involving hazardous wastes.	One each incident	Date, shipping document number, description of violation.
171.16 (171.16(a))	Failing to make written report of an incident involving hazardous wastes within 15 days of the date of discovery.	One each incident	Date, shipping document number, description of violation.
172.204B (172.204)	Failing to make (or sign) prescribed certification on a hazardous waste manifest of hazardous waste offered for transportation.	One each incident	Date, shipping document number, description of violation.
172.205A (172.205(a))	Offering, transporting, transferring, or delivering a hazardous waste without a hazardous waste manifest which has been properly prepared, signed, carried, and given as required of that person.	One each incident	Date, shipping document number, description of violation.

172.205B (172.205(b))	Failing to prepare the hazardous waste manifest in accordance with 40 CFR Part 262.	One each incident	Date, shipping document number, description of violation.
172.205C (172.205)	Failing to have an original copy of a hazardous waste manifest which is dated and/or bears a hand written signature. (Shipper and Carrier)	One each incident	Date, shipping document number, description of violation.
172.205D	Failing to have a copy of a hazardous waste manifest which is dated and/or bears a hand written signature. (Carrier(s) and designated facility)	One each incident	Date, shipping document number, description of violation
172.205E1 (172.205)	Failing to provide a copy of a properly prepared hazardous waste manifest containing all required dates and signatures to a representative of each carrier accepting the waste.	One each incident	Date, shipping document number, description of violation.

172.205E2 (172.205(e)(2))	Failing to carry a hazardous waste manifest in a manner prescribed for shipping papers in Section 177.817(e).	One each incident	Date, shipping document description of violation.
172.205E3 (172.205(e)(3))	Failing to provide a hazardous waste manifest to the designated facility.	One each incident	Date, shipping document number, description of violation.
172.205E5 (172.205(e)(5))	Failing to maintain a copy of a hazardous waste manifest for at least 3 years.	One each incident	Date, shipping document number description of violation.

APPENDIX F

CRITICAL VIOLATIONS

The following "critical **violations**" are serious violations of the **FMCSRs** and **HMRS** that indicate breakdowns in the management and/or operational controls of a motor carrier.

Part 383

- 383.35(b)** Failing to require driver to supply employment history (**10** years), dates of employment, and reason for leaving employment, at the time of application for employment.

Part 387

- 387.7(d)** Failing to maintain at principal place of business required proof of financial responsibility.
- 387.31(d)** Failing to maintain at principal place of business required proof of financial responsibility for passenger vehicles.

Part 391

- 391.23(a)** Failing to investigate driver's background.
- 391.45(a)** Using a driver without a medical examination. (When it is evident that the driver has not been examined).
- 391.45(b)** Using a driver not physically reexamined each **24** months. (When expired certificate is found in the carrier's files).

- 391.51(a) Failing to maintain driver qualification file on each driver employed. (When **NO** qualification file is kept).

Part 392

- 392.2 Requiring or permitting a motor vehicle to be operated not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.
- 392.6 Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed.
- 392.7 Requiring or permitting a driver to drive without assuring himself that the safety parts and accessories are in good working order (**pre-trip** inspection).
- 392.8 Requiring or permitting a driver to drive without having assured himself that the required emergency equipment is in place and ready for use.
- 392.9(a)(1) Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured.
- 392.60 Requiring or permitting a driver to transport an unauthorized passenger.

Part 393

- 393.9 Operating a vehicle not having at least one operative stop lamp on the rear of a single unit vehicle or the **rearmost** vehicle of a combination of vehicles.

- 393.19 Failing to equip vehicle with turn signal(s).
- 393.24 Failing to equip (bus, truck, or truck-tractor) with two head lamps.
- 393.33 Operating a vehicle equipped with bare, loose, dangling, chafing or poorly connected electrical wires.
- 393.41 Failing to equip (bus, truck, etc.) with parking brake (or adequate parking brake).
- 393.42 Failing to equip (bus, truck, etc.) with brakes acting on all wheels.
- 393.45(a)(4) Failing to secure brake (hose or tubing) against chafing, kinking, or other mechanical damage.
- 393.46(b) Operating a vehicle with a leak at a brake hose or tubing connection.
- 393.48(a) Failing to equip (bus, truck, etc.) with operative brakes.
- 393.51(a) Failing to equip brake system with warning device (or gauge).
- 393.67(d) Failing to equip (bus, truck, etc.) with a fuel tank free of leaks.
- 393.71 Any violation of **393.71**, (coupling devices, and towing methods, driveaway-towaway).
- 393.75 Operating a motor vehicle equipped with tires having fabric or cords exposed through the tread and or sidewall, or having a tread groove pattern depth less than prescribed.
- 393.78 Failing to equip (bus, truck, truck-tractor) with two windshield wipers.

- 393.83** Operating a motor vehicle equipped with exhaust located so as (or is) likely to burn, char, or damage electrical wiring, fuel supply, or any other combustible part or that does not discharge to the atmosphere as prescribed.

Note: **[396.3(a) All Out-of-Service violations].**

Part 394

- 394.7(a)** Failing to give immediate notice to **FHWA** of a fatal accident.
- 394.9(a)** Failing to report an accident.

Part 395

- 395.3(a)(1)** Requiring or permitting a driver to drive more than **10** hours.
- 395.3(a)(2)** Requiring or permitting a driver to drive after having been on duty **15** hours.
- 395.3(b)** Requiring or permitting a driver to drive after having been on duty more than **(60 or 70)** hours in **(7 or 8)** consecutive days.
- 395.8(a)** Failing to require a driver to make a record of duty status.
- 395.8(e)** Requiring or permitting a driver to make false entries upon a record of duty status.

Part 396

- 396.3(b)** Failing to keep minimum records of inspection and maintenance.
- 396.11(a)** Failing to require a driver to prepare driver vehicle inspection report.

Part 397

- 397.7(a)(1)** Requiring or permitting a motor vehicle containing Class A or B explosives to be parked within 5 feet of traveled portion of highway.
- 397.7(b)** Requiring or permitting a motor vehicle containing (name of hazardous materials) to be parked on or within 5 feet of traveled portion of a highway.
- 397.9(a)** Requiring or permitting a motor vehicle containing hazardous materials to operate through heavily populated areas or places where crowds are **assembled or** tunnels or narrow streets and alleys.
- 397.9(b)** 'Failing to prepare or cause to be prepared a written plan of route for motor vehicle containing Class A or B explosives.
- 397.13(a)** Permitting a person to smoke or carry a lighted (cigarette, cigar, or pipe) within **25** feet of a motor vehicle containing hazardous materials. (Specify explosives, oxidizing materials or flammable materials).
- 397.17(a)** Failing to require a driver to examine tires of a motor vehicle containing hazardous materials (each 2 hours or **100** miles) or (at the beginning of each trip) or (each time the vehicle is parked).
- 397.19(a)** Failing to furnish a driver of motor vehicle transporting Class A or B explosives with a copy of the rules of Part **397**, and/or emergency procedure instructions.

Part 171

- 171.15(a) Failing to give immediate telephone notice of an incident involving hazardous materials (Shipper Responsibility).
- 171.16(a) Failing to make a written report of an incident involving hazardous materials.

Part 172

- 172.201(a) Failing to enter a hazardous material description on shipping papers in the manner required.
- 172.202(b) Failing to enter the basic description of a hazardous material in proper sequence on the shipping paper.
- 172.204(a) Failing to make (or sign) prescribed certification on shipping paper of hazardous material offered for transportation.
- 172.300 Failing to properly mark a package of hazardous materials.
- 172.328(a) Failing to mark a cargo tank with the proper identification number, as required.
- 172.400(a) Failing to label or properly label a container or package of hazardous materials.
- 172.402 Failing to affix additional labels when required.
- 172.502(a) Displaying a placard which does not represent the hazard of the material being transported.
- 172.504(a) Failing to placard a vehicle as required.

Part 173

- 173.33(a) Transporting hazardous materials in an unauthorized cargo tank.

- 173.22a** Transporting a hazardous material in an exempt packaging without being the holder of or party to the exemption.

Part 177

- 177.807** Failing to give immediate telephone notice of an incident involving hazardous materials (Carrier Responsibility).
- 177.814(a)** Failing to maintain cargo tank certificate or manufacturer's data report at a carrier's principal office, or other approved location.
- 177.817(a)** Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper.
- 177.817(e)** Failing to maintain proper accessibility of shipping papers.
- 177.823(a)** Moving a transport vehicle containing hazardous material that is not properly marked or placarded.
- 177.824(b)** Failing to visually inspect a cargo tank at least once in every **2-year** period.
- 177.824(h)** Failing to mark cargo tank with the date of last test.
- 177.834(a)** Failing to secure (tank, barrel, drum or cylinder) containing (flammable liquid, compressed gas, corrosive material, poisonous material, or radioactive material) against movement during transportation.
- 177.834(c)** Permitting smoking on or about vehicle while loading or unloading any explosive, flammable liquid, flammable solid, oxidizing material, or flammable gas.

- 177.854(d) Transporting damaged containers of hazardous materials which have not been adequately repaired to prevent contamination of other lading.

APPENDIX G

ACUTE VIOLATIONS

The following "acute violations" are severe violations of the **FMCSRs** and **HMRS** which demand immediate corrective action by a motor carrier regardless of the overall safety posture of that motor carrier.

Part 383

- 383.37 Requiring or permitting a driver to operate a commercial motor vehicle (without a valid license) or (with more than one commercial motor vehicle driver's license, or without the proper **HM** endorsement when transporting **HM**).
- 383.51(a) Requiring or permitting a driver who is disqualified to drive a commercial motor vehicle.

Part 387

- 387.7(a) Operating a motor vehicle without having in effect the required minimum level of financial responsibility coverage of \$_____.
- 387.31(a) Operating a passenger-carrying vehicle without having in effect the required minimum level of financial responsibility of \$_____.

Part 391

- 391.11(b)(6) Using an unqualified driver.
- 391.15 Using a disqualified driver.

Part 392

- 392.4(b) Requiring or permitting a driver to drive while under the influence of (or in possession of) a narcotic drug, amphetamine, or other substance which renders the driver incapable of safely operating the vehicle.
- 392.5(b) Requiring or permitting a driver to drive a motor vehicle while under the influence of, or in possession of, an intoxicating beverage.

Part 397

- 397.5(a) Failing to require a motor vehicle containing Class A (or B) explosives to be attended.

Part 177

- 177.801(a) Transporting a shipment of hazardous materials not in proper condition for transportation.
- 177.821 Transporting a forbidden material.
- 177.834(j) Transporting a prohibited hazardous materials loading combination in the same vehicle.
- 177.841(e) Transporting a package bearing a poison label in the same vehicle with material marked or known to be foodstuff, feed, or any edible material intended for consumption by humans or animals.
- 177.870 Transporting unauthorized hazardous materials in a passenger-carrying vehicle.

NATURE OF SAFETY REVIEW QUESTIONS
RELATIONSHIP WITH CRITICAL AND ACUTE VIOLATIONS

GENERAL

1. CAN THE CARRIER PRODUCE A COPY OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS (FMCSR)?

◦ Safety Management Control Question

2. CAN THE CARRIER PRODUCE A COPY OF THE HAZARDOUS MATERIAL REGULATIONS (HMR)?

◦ Safety Management Control Question

3. IS AT LEAST ONE RESPONSIBLE OFFICIAL FAMILIAR WITH THE FMCSR?

◦ Regulatory Question - Non-critical and non-acute

4. DOES THE CARRIER HAVE ONE INDIVIDUAL ULTIMATELY CHARGED WITH THE RESPONSIBILITY FOR ENSURING OVERALL COMPLIANCE WITH THE FMCSR ON AN EQUAL OR HIGHER LEVEL THAN THE DIRECTOR OF OPERATIONS POSITION?

◦ Safety Management Control Question

5. DOES THE INDIVIDUAL IN CHARGE OF SAFETY HAVE SOLE AUTHORITY TO HIRE DRIVERS?

◦ Safety Management Control Question

6. DOES THE INDIVIDUAL IN CHARGE OF SAFETY HAVE THE AUTHORITY TO TERMINATE DRIVERS?

◦ Safety Management Control Question

7. DOES THE CARRIER HAVE ONE INDIVIDUAL CHARGED WITH THE RESPONSIBILITY FOR ENSURING OVERALL COMPLIANCE WITH THE **HMR**?

◦ Safety Management Control Question

8. DOES THE CARRIER **HAVE** A DRIVER SAFETY TRAINING/ORIENTATION PROGRAM?

◦ Safety Management Control Question

9. DOES THE **CARRIER HAVE A SAFETY** INCENTIVE/AWARD PROGRAM?

◦ Safety Management Control Question

10. IS THE CARRIER FAMILIAR WITH THE FINES AND PENALTIES THAT CAN BE **IMPOSED** FOR VIOLATIONS OF THE **FMCSR/HMR**?

◦ Safety Management Control Question

11. DOES THE **CARRIER MANAGEMENT REVIEW** ITS SAFETY COMPLIANCE STATUS ON PERIODIC BASIS?

◦ Safety Management Control Question

12. HAVE ANY CARRIER EMPLOYEES ATTENDED ANY OUTSIDE SAFETY MEETINGS, COURSES OR SEMINARS IN THE PAST TWO YEARS?

◦ Safety Management Control Question

13. IS THE CARRIER'S OPERATION PROFITABLE?

◦ Safety Management Control Question

PART 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY
FOR MOTOR CARRIERS

1. DOES THE CARRIER HAVE THE REQUIRED MINIMUM LEVEL OF FINANCIAL RESPONSIBILITY IN EFFECT AS EVIDENCED BY A PROPERLY EXECUTED **MCS-90** OR **MCS-82**? (ATTACH COPY OF FORM)

- Regulatory Question
- Addresses Critical Violations 387.7(d) and 387.31(d)
- Addresses Acute Violations 387.7(a) and 387.31(a)

PART 394 - NOTIFICATION AND REPORTING OF ACCIDENTS

1. CAN THE CARRIER EXPLAIN THE DEFINITION OF A REPORTABLE ACCIDENT?

- Safety Management Control Question

2. CAN THE CARRIER EXPLAIN THE FATAL ACCIDENT NOTIFICATION REQUIREMENTS?

- Regulatory Question
- Addresses Critical Violation 394.7(a)

3. IS THE CARRIER FILING MCS-50T(B) ACCIDENT REPORTS WHEN REQUIRED?

- Regulatory Question
- Addresses Critical Violation 394.9(a)

4. DOES THE CARRIER DETERMINE PREVENTABILITY OF ACCIDENTS?

- Safety Management Control Question

5. DOES THE CARRIER TAKE ANY ACTION AGAINST DRIVERS INVOLVED IN PREVENTABLE ACCIDENTS?

- Safety Management Control Question

PART 391 - QUALIFICATION OF DRIVERS

1. CAN THE CARRIER PRODUCE WRITTEN HIRING POLICIES/PROCEDURES THAT ARE BEING FOLLOWED ON ALL NEW HIRES?

- Safety Management Control Question

2. ARE ORAL INTERVIEWS CONDUCTED WITH THE DRIVERS TO VERIFY INFORMATION **SUBMITTED** IN THEIR APPLICATIONS?

- Safety Management Control Question

3. ARE HIRING POLICIES MORE STRINGENT THEN THE **REQUIREMENTS** OF PART **391**?

- Safety Management Control Question

4. DOES THE CARRIER HAVE A SYSTEM ESTABLISHED THAT WILL ENSURE DRIVERS' MEDICAL CERTIFICATES REMAIN CURRENT?

- Regulatory Question
- Addresses Critical Violations **391.45(a)** and **391.45(b)**
- Addresses Acute Violation **391.11(b)(6)**

5. DOES THE CARRIER VERIFY THAT PHYSICIANS COMPLETING MEDICAL CERTIFICATIONS ARE KNOWLEDGEABLE OF **THE** INSTRUCTIONS FOR PERFORMING AND RECORDING PHYSICAL EXAMINATIONS?

- Safety Management Control Question

6. **DOES** THE CARRIER **REVIEW** THE RESULTS OF THE HEALTH HISTORY **AND** PHYSICAL EXAMINATION FORM (LONG FORM)?

- Safety Management Control Question

7. DOES THE CARRIER HAVE A SYSTEM ESTABLISHED THAT WILL ENSURE DRIVERS' OPERATING LICENSES REMAIN **CURRENT**?

- Regulatory Question
- Addresses Acute Violation **391.15**

8. DOES THE **CARRIER** HAVE A SYSTEM ESTABLISHED THAT WILL ENSURE DRIVERS' ANNUAL REVIEWS AND ANNUAL RECORD OF VIOLATIONS REMAIN **CURRENT**?

- Safety Management Control Question

9. CAN THE WRITTEN TEST EXAMINER EXPLAIN THE WRITTEN TEST CERTIFICATION PROCESS?

- Safety Management Control Question

10. DOES THE CARRIER COMPLY WITH THE ROAD TEST PROVISIONS OF SECTION 391.31?

- Regulatory Question - Non-critical and non-acute

11. CAN THE CARRIER LIST THE DOCUMENTS REQUIRED TO BE IN A DRIVER QUALIFICATION FILE?

- Safety Management Control Question

12. CAN THE CARRIER PRODUCE COMPLETED DRIVER QUALIFICATION FILES ON DRIVERS SELECTED AT RANDOM?

- Regulatory Question
- Addresses Critical Violation 391.51(a)
- Addresses Acute Violation 391.11(b)(6)

13. ARE OTHER SOURCES USED TO CHECK DRIVER'S BACKGROUND OTHER THAN THOSE REQUIRED BY PART 391?

- Safety Management Control Question

PART 392 - DRIVING OF MOTOR VEHICLES

1. DOES THE CARRIER HAVE ESTABLISHED PROCEDURES CONCERNING USE OF ALCOHOL AND DRUGS?

- Safety Management Control Question

2. DOES THE CARRIER HAVE A POLICY CONCERNING PASSENGERS?

- Regulatory Question
- Addresses Critical Violation 392.60

3. ARE DRIVERS INSTRUCTED ON LOAD SECUREMENT PROCEDURES?

- Regulatory Question
- Addresses Critical Violation **392.9(a)(1)**

4. DOES THE CARRIER HAVE A POLICY FOR MONITORING SPEED?

- Safety Management Control Question

5. CAN THE CARRIER PRODUCE DOCUMENTATION THAT RUNS IN EXCESS OF 500 MILES CAN BE COMPLETED IN COMPLIANCE WITH 55 MPH AND HOURS OF SERVICE LIMITATIONS?

- Safety Management Control Question

PART 396 - INSPECTION, REPAIR, AND MAINTENANCE**1. CAN THE CARRIER PRODUCE WRITTEN PROCEDURES EXPLAINING A SYSTEMATIC, PERIODIC MAINTENANCE PROGRAM?**

- Safety Management Control Question

2. CAN THE CARRIER LIST THE MAINTENANCE RECORDS REQUIRED FOR VEHICLES CONTROLLED FOR 30 CONSECUTIVE DAYS OR MORE?

- Safety Management Control Question

3. DOES THE CARRIER PERIODICALLY REVIEW MAINTENANCE RECORDS FOR LEASED EQUIPMENT?

- Regulatory Question - Non-critical and non-acute

4. IS THE CARRIER COMPLYING WITH THE VEHICLE INSPECTION PROCEDURE?

- Regulatory Question
- Addresses Critical Violation **396.3(b)**
- Addresses any Part **393** Critical Violation including all **396.3(a)** Out-of-Service violations

5. ARE DRIVERS TRAINED TO PERFORM PRETRIP INSPECTIONS?

- Regulatory Question
- Addresses Critical Violation 392.7 in Part 392

6. CAN THE CARRIER PRODUCE THE PRIOR THREE MONTHS VEHICLE INSPECTION REPORTS ON A VEHICLE SELECTED AT RANDOM??

- Regulatory Question
- Addresses Critical Violation 396.11(a)

7. ARE ALL VEHICLES REQUIRED TO BE INSPECTED AT A CARRIER AUTHORIZED LOCATION ON A PERIODIC BASIS?

- Regulatory Question - Non-critical and non-acute

8. CAN THE CARRIER PRODUCE A COMPLETED MAINTENANCE FILE ON A VEHICLE SELECTED AT RANDOM?

- Regulatory Question
- Addresses Critical Violation 396.3(b)
- Addresses any Part 393 Critical Violation including all 396.3(a) Out-of-Service violations

PART 395 - HOURS OF SERVICE OF DRIVERS

**1. CAN THE CARRIER EXPLAIN THE HOURS OF SERVICE LIMITATIONS?
I.E. 10, 15, 60 IN 7, 70 IN 8.**

- Safety Management Control Question

2. DOES THE CARRIER FILE RECORDS OF DUTY STATUS IN A SYSTEMATIC MANNER?

- Safety Management Control Question

3. CAN THE CARRIER PRODUCE THE PRIOR 6 MONTHS RECORDS OF DUTY STATUS FOR A DRIVER SELECTED AT RANDOM?

- Regulatory Question
 - Addresses Critical Violation 395.8(a)
4. ARE DRIVERS REQUIRED TO COMPLETE RECAPS OF THEIR RECORDS OF DUTY STATUS?
- Safety Management Control Question
5. DOES THE CARRIER HAVE A PROCEDURE FOR MONITORING TRIP LEASE DRIVERS' HOURS OF SERVICE?
- Safety Management Control Question
6. ARE DISPATCHERS AWARE OF DRIVERS' HOURS OF SERVICE PRIOR TO AND DURING TRIP?
- Safety Management Control Question
7. ARE DRIVERS REQUIRED TO TELEPHONE THE CARRIER EACH DAY?
- Safety Management Control Question
8. ARE OTHER INDEPENDENT RECORDS BEING COMPARED TO DRIVERS' RECORDS OF DUTY STATUS FOR ACCURACY?
- Regulatory Question
 - Addresses Critical Violation 395.8(e)
9. WHEN REACHING A HOME TERMINAL, ARE PREVIOUS RECORDS OF DUTY STATUS REQUIRED TO BE SUBMITTED, ACTUALLY SUBMITTED?
- Regulatory Question - Non-critical and non-acute
10. DOES THE CARRIER HAVE A SYSTEM FOR RECORDING HOURS OF DUTY STATUS ON 100 MILE RADIUS DRIVERS?
- Regulatory Question
 - Addresses Critical Violation 395.8(a)
11. DOES THE CARRIER HAVE A SYSTEM TO EFFECTIVELY CONTROL THE DRIVERS' HOURS OF SERVICE?

- Regulatory Question
- Addresses Critical Violations 395.3(a)(1), 395.3(a)(2), and 395.3(b)
- Addresses Critical Violation 395.8(e)

12. DOES THE CARRIER ADHERE TO A DISCIPLINARY POLICY FOR NONCOMPLIANCE WITH PART 395?

- Safety Management Control Question

PART 397 - TRANSPORTATION OF HAZARDOUS MATERIALS
DRIVING AND PARKING RULES

1. CAN THE CARRIER EXPLAIN THE ATTENDANCE REQUIREMENTS FOR A VEHICLE CONTAINING HAZARDOUS MATERIAL (HM)?

- Regulatory Question
- Addresses Acute Violation 397.5(a)

2. CAN THE CARRIER EXPLAIN THE PARKING REQUIREMENTS FOR A VEHICLE CONTAINING HM?

- Regulatory Question
- Addresses Critical Violations 397.7(a)(1) and 397.7(b)

3. CAN THE CARRIER PRODUCE A COPY OF THE SIGNED RECEIPT FOR DOCUMENTS RECEIVED RE: SECTION 397.19 FOR A DRIVER OF CLASS A OR B EXPLOSIVES SELECTED AT RANDOM? (NOTE 1 YEAR RETENTION PERIOD)

- Regulatory Question
- Addresses Critical Violation 397.19(a)

4. IS THE PRIVATE CARRIER AWARE OF THE MARKING OF VEHICLES REQUIREMENTS IN SECTION 397.21?

- Safety Management Control Question

5. HAVE ALL DRIVERS BEEN INFORMED OF THE SMOKING PROHIBITIONS?

- Regulatory Question
- Addresses Critical Violation 397.13(a)

6. DOES THE CARRIER HAVE A SYSTEM TO ENSURE ALL DRIVERS TRANSPORTING CLASS A AND B EXPLOSIVES HAVE A WRITTEN ROUTE PLAN?

- Regulatory Question
- Addresses Critical Violation 397.9(b)

7. IS CONSIDERATION GIVEN TO AVOIDANCE OF HEAVILY POPULATED AREAS WHEN HAULING HM?

- Regulatory Question
- Addresses Critical Violation 397.9(a)

PART 177 - CARRIAGE BY PUBLIC HIGHWAY

1. DOES THE CARRIER PROVIDE **HM** TRAINING FOR ITS EMPLOYEES?

- Regulatory Question - Non-critical and non-acute

2. CAN THE CARRIER PRODUCE A CARGO **TANK** CERTIFICATE OR MANUFACTURER'S DATA REPORT FOR A CARGO **TANK** SELECTED AT RANDOM?

- Regulatory Question
- Addresses Critical Violation 177.814(a)

3. CAN THE CARRIER PRODUCE A CARGO TANK INSPECTION REPORT FOR A CARGO **TANK** SELECTED AT RANDOM?

- Regulatory Question
- Addresses Critical Violation 177.824(b)

4. HAS THE CARRIER PROVIDED WRITTEN NOTIFICATION OF **MC330/331 CARGO TANKS** IN SERVICE OR REMOVED **FROM** SERVICE?

- Regulatory Question - Non-critical and non-acute

5. CAN THE CARRIER EXPLAIN THEIR SYSTEM TO ENSURE SHIPPING PAPERS ACCOMPANYING HM LOADS ARE PROPERLY PREPARED AND/OR PRODUCE A PROPERLY PREPARED SHIPPING PAPER FOR A SHIPMENT SELECTED AT RANDOM?

- Regulatory Question
- Addresses Critical Violation 177.817(a)

6. CAN THE CARRIER EXPLAIN THE ACCESSIBILITY REQUIREMENTS FOR SHIPPING PAPERS?

- Regulatory Question
- Addresses Critical Violation 177.817(e)

7. CAN THE CARRIER PRODUCE A LABEL FOR EACH CLASS OF HM TRANSPORTED?

- Regulatory Question - Non-critical and non-acute

8. CAN THE CARRIER EXPLAIN WHAT CONSTITUTES A PLACARDED LOAD?

- Regulatory Question
- Addresses Critical Violation 177.823(a)

9. CAN THE CARRIER EXPLAIN THE INCIDENT REPORTING REQUIREMENTS?

- Safety Management Control Question

10. IS THE CARRIER FILING DOT FORM F5800.1 REPORTS WHEN REQUIRED?

- Regulatory Question - Non-critical and non-acute

11. IS THE CARRIER MAINTAINING CORRECTLY PREPARED AND SIGNED HAZARDOUS WASTE MANIFESTS FOR AT LEAST 3 YEARS?

- Regulatory Question - Non-critical and non-acute



U.S. Department
of Transportation

**Federal Highway
Administration**

Motor Carrier Training Manual

Volume **2-COMPLIANCE**

Chapter **17-COMPLAINT INVESTIGATION**

- Par. 1. Purpose
 2. Authority
 3. Policy
 4. Definitions
 5. Confidentiality of Complainants
 6. Complaints to be Investigated
 7. Oral Complaints
 8. Anonymous Complaints
 9. Equipment Complaints
 10. Motorist Complaints
 11. Control Procedures

REFERENCED ATTACHMENTS

Attachment A - Motorist's Complaint, Letter to Complainant
Attachment B - Complaint Register

1. PURPOSE. This chapter establishes uniform procedures for the processing and disposition of all complaints.
2. AUTHORITY. Motor Carrier Safety Act of **1984**, Section **212**, Public Law **98-554**, 98 Stat. **2829** (October **30, 1984**), and **49 U.S.C. § 504**.
3. POLICY. Investigate nonfrivolous written complaints alleging substantial violations of regulations administered by the Office of Motor Carriers (**OMC**) which have occurred within the preceding **60** days.

4. DEFINITIONS

- a. Congressional Request- a written Congressional inquiry or Congressional referred complaint.
- b. Jurisdictional Complaint - allegations of violations of the laws and regulations administered by the Federal Highway Administration's Associate Administrator for Motor Carriers (**AAMC**).
- c. Nonfrivolous Complaint - allegations of violations of applicable safety regulations with sufficient descriptive identity to make worthy of investigation.
- d. Nonjurisdictional Complaint - allegations of violations of laws or regulations not administered or enforced by the **AAMC**, (e.g., laws or regulations of another Federal, or State, or local agency).
- e. Timely Investigation - The time frame for completing complaint investigations will be **120** calendar days. Congressional complaints will be completed within **30** days from date of receipt.

5. CONFIDENTIALITY OF COMPLAINANTS

- a. Section **212(b)** of the Motor Carrier Safety Act of **1984** reads: "Notwithstanding the provisions of Section **552** of Title **5**, United States Code, the Secretary [of Transportation] shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure."
- b. The intent of Congress is clear. The complainant's identity and communication with the safety specialist is to be treated with strict confidentiality. The following guidelines are to be followed to ensure the confidentiality of a complainant:

- (1) Under no circumstances shall the name of the complainant, complaint letter or its contents be revealed by the safety specialist.
- (2) If an Enforcement Report (Form **MCS-152**) documenting violations is prepared, the narrative section of the Facts of Violations shall begin with this phrase: "This investigation was initiated as the result of a complaint alleging violations of (name appropriate **49 CFR** section(s))." The identity of the complainant must not be revealed by reference to job classification, (e.g., driver, dispatcher, mechanic, etc.) After an enforcement case is closed, anyone may obtain a copy of the investigation report by making a written request for the report under the provisions of the Freedom of Information Act. Therefore, care must be taken to ensure that no reference to complainant's name(s) or job classification are included in the **MCS-152** report or the compliance review.

6. COMPLAINTS TO BE INVESTIGATED

- a. All jurisdictional written Congressional requests and Congressional referred complaints.
- b. Generally, only timely, nonfrivolous, written, jurisdictional complaints alleging a specific violation(s) will be investigated.
- c. The complaint is not timely if the alleged violation did not occur within **60** days of receipt of the complaint. The complaint is considered frivolous unless an example, including date(s) and description(s) of specific violation(s) is provided. Complaints alleging substantial violations are those involving:
 - (1) Failure to control hours-of-service, or screen drivers' qualifications before dispatching drivers and vehicles (this would include falsification of records);
 - (2) Failure to maintain driver qualification files, records of duty status, and maintenance records;

- (3) General failure to maintain equipment resulting in the operation of vehicles with out-of-service defects;
 - (4) Failure to have in effect minimum levels of financial responsibility, and/or
 - (5) Violations of the regulations governing the transportation of hazardous materials.
- d. Separate investigation of duplicative complaints will not be made.
7. ORAL COMPLAINTS. Oral complaints are generally not investigated. Complainants who telephone should be advised of this. If the complainant indicates he/she will supply the complaint in writing, he/she should be provided with the address of the **OMC** in the State where the carrier is domiciled, and the need to supply specific information.
8. ANONYMOUS COMPLAINTS. Anonymous complaints meeting the criteria set forth in Paragraph 6 of this Chapter will be investigated.
9. EQUIPMENT COMPLAINTS. Complaints alleging the operation of defective equipment, indicating out-of-service defects, may be referred to the State **MCSAP** agency where the vehicle(s) are domiciled if the State agency is capable and willing to handle such complaints. If the State cannot handle equipment complaints, they will be investigated by the **OMC** or jointly by the **OMC** and the State.
10. MOTORIST COMPLAINTS. Many motorist complaints involve written allegations of unsafe driving by a commercial vehicle driver. By their very nature, they concern isolated instances and as such do not merit a full scale investigation of a motor carrier's safety compliance.
- a. Complaint numbers will not be assigned to motorist complaints. The majority of motor carrier management personnel are interested in learning of information concerning the improper or unsafe operations of their vehicles, so that they may take action to reduce accidents and in turn operating costs. Use the following procedures to communicate with the motor carrier and complainant:

- (1) Respond to the complainant using a letter similar to that shown in Attachment A, Figure 1, and place a copy of the complaint in the motor carrier's file.
- (2) If the motor carrier is less than responsive to the complaint, check the carrier's safety rating. If unrated, schedule a safety review. If identified as a "SCE Contact" schedule a compliance review (CR). The safety review (SR) or CR will include a brief investigation of the motorist complaint and carrier's failure to satisfactorily respond. If the carrier's safety rating is "satisfactory" and the complainant has written to the carrier, contact a carrier official and urge them to respond.

11. CONTROL PROCEDURES

a. Congressional Complaints

- (1) The OMC Field Operations, Federal Programs Division (HFO-10) will make the initial and final responses to a Congressional source.
- (2) A Regional or Division office in receipt of a complaint referred by a Congressional source shall within one day forward the complaint to the OMC Field Operations (HFO-1) for appropriate disposition.
- (3) When appropriate, a copy of the initial response and the correspondence from the Congressional source will be provided to the involved Regional OMC with an assignment sheet attached.
- (4) A "Congressional" complaint investigation shall be completed within 30 calendar days from the date of assignment. If the investigation is incomplete on the due date, the Regional Director shall report the progress of the investigation to HFO-10.
- (5) The CR, other documents together, and a memorandum, if necessary to be responsive, will be forwarded to HFO-10 by the appropriate mail service to ensure timely receipt.

- b. All Other Complaints. Investigations of complaints are to be completed on a timely basis. They have priority over routine **SRs** and **CRs**. Requests for complaint investigation assistance from other Regions have similar priority.
- c. Findings of a complaint investigation
 - (1) Findings will generally be reported on a CR, Form **MCS-151** and related parts. With the exception of Parts **387** and **394** which are always reviewed, parts of the safety regulations rated "conditional" or "unsatisfactory" and parts alleged to have been violated shall be reviewed during the CR. Parts of the regulations that were rated "satisfactory" will be evaluated using the **SR** interview and sampling procedures. If any are discovered in the "satisfactory" rated parts, the safety specialist is required to expand the review of those parts using the CR sampling procedures. If violations warranting enforcement action are discovered, an enforcement case will be prepared.
 - (2) Complaints on unrated and unaudited motor carriers, which are timely and **nonfrivolous**, will be processed in the following manner:
 - (a) Perform a **SR** and prepare all applicable parts of the **SR (MCS-151, Parts A and B 1-4)**, except Part **C**. On Part A of the **MCS-151** circle "Safety Review" and "Compliance Review."
 - (b) Investigate the nature of the complaint.
 - (c) Report the findings of the investigation on the CR (**MCS-151, Part B and Part C**). Complete Part **C**, Fields **50** through **56**, using the information derived from both the **SR** and CR.
 - (d) Prepare the Input Matrix (**MCS-151, Part D**) based only on the results of the **SR**.

- (e) Distribution of the **SR/CR** will be in accordance with Volume 2, Chapter 16 of this manual. The review shall be assembled in the following manner: Part A of **MCS-151**, Parts B-1, **B-2**, **B-3**, **B-4** of the **SR**, Part B of the **CR**, Part **C**, and Part **D**.

d. Complaint Register and Assignment of Complaint Numbers

- (1) A complaint register may be maintained in the Regional or the Division Office (Attachment **B**). Upon receipt of a valid complaint on a motor carrier/hazardous materials shipper which meets the criteria outlined in this chapter, it will be acknowledged and a complaint number assigned. (See Attachment A, Figure 2)
- (2) Complaints received on motor carriers/hazardous materials shippers domiciled in another Region are to be forwarded upon receipt to the Region of domicile. Acknowledgment will be made within 10 days from the date of receipt by the Region of domicile.

e. Composition and Use of a Complaint Number

(1) EXAMPLE: **NY-88-001-150**

NY - State of domicile of motor carrier
complained about

88 - Year of complaint

001 - Consecutive complaint number in calendar
year

150 - Code number of staff member completing the
investigation

- (2) The complaint number will be entered on the **CR**, Part **C**, in Item **50**.

- f. If the complaint received does not meet the criteria outlined in Paragraph 6 of this Chapter, the letter shown in Attachment A, Figure 3 will be used to respond to the complainant.

- g. Upon completion of the complaint investigation, the complainant will be advised using one of the form letters shown in Attachment A, Figures 4, 5, or 6.
- h. If the complainant challenges the results of a complaint investigation, the matter is to be reinvestigated by a different safety specialist.
- i. Upon conclusion of the investigation, the completed CR is to be forwarded to the regional office along with a copy of the complainant's letter and responses. **DO NOT forward copies of complaint letters or responses beyond the Regional Office.**

MOTORIST'S COMPLAINT - LETTER TO COMPLAINANT

Figure 1

This responds to your (date) letter in which you reported an incident, which occurred (identify location and date) involving unsafe driving practices by a driver for (name and address of motor carrier).

The **FHWA's** Office of Motor Carriers (**OMC**) is responsible for the issuance, administration and enforcement of the Federal Motor Carrier Safety Regulations (**FMCSRs**), Title **49 CFR** Parts **350, 383, and 385 to 399** and the Hazardous Materials Regulations (**HMRs**), Title **49 CFR** Parts **100 to 178**. Generally, they apply to passenger and property carriers conducting operations in interstate or foreign commerce and prescribe the qualifications and **hours-of-service** requirements for drivers, the inspection, maintenance, and repair requirements for vehicles and the requirements for the transportation of hazardous materials. The enforcement of the traffic laws is the responsibility of State and local police.

We appreciate the information you have provided. Your correspondence will be placed in the motor carrier's file and the matter will be discussed with management officials during the next review of their operations.

Motor carriers appreciate learning of information concerning the improper or unsafe operations of their vehicles, so that they may take action to reduce accidents and operating costs. We believe the motor carrier will be responsive to your concerns. Please advise if we may be of further assistance.

=====

Response letter to complainant meeting criteria of paragraph 6c

Figure 2

Thank you for your (date) letter concerning the safety compliance of (name and address of motor carrier).

The Office of Motor Carriers is very concerned about noncompliance with the Federal Motor Carrier Safety and Hazardous Materials Regulations by motor carriers and their employees. Your comments have been noted and an investigation will be conducted. It may be necessary for the safety specialist to contact you for additional information during this investigation.

We will advise you when the investigation has been concluded. Your interest in motor carrier safety is appreciated."

=====

Response when complaint does not meet criteria of paragraph 6c

Figure 3

This responds to your (date) letter alleging safety noncompliance by (name and address of motor carrier). After careful review, we have decided not to conduct an investigation.

The response should incorporate one of the following reasons along with an appropriate explanation:

- (1) From the information that you have provided, we are unable to determine if a violation of this agency's regulations is occurring. Generally, a specific example of a violation needs to be provided, which would include the date, location, and other pertinent information.
- (2) You allege a violation occurred on (date), (time frame). It is the policy of this agency not to investigate complaints alleging violations more than 60 days old.

- (3) As a result of a recent compliance review of (name of motor carrier) conducted on (date), (NOTE: MUST BE WITHIN 60 DAYS OF RECEIPT OF COMPLAINT), we believe the noncompliance referred to in your letter (has been corrected), (is not present), (will be corrected shortly).
- (4) IF ENFORCEMENT IS PENDING
As a result of a recent compliance review of (name and address of motor carrier), we are aware of (name of motor carrier) safety **noncompliance**. This matter has been referred to our legal staff for enforcement action.
- (5) Your allegation does not fall within the Office of Motor Carriers's jurisdiction. You may want to contact (give name and address of jurisdictional agency).
- (6) Your allegation involving the operation of defective equipment by (name and address of motor carrier) has been referred to the (give name and address of State MCSAP Agency where vehicle(s) are domiciled) for investigation. The Federal Highway Administration, through its Motor Carrier Safety Assistance Program, provides funding to the States for the purpose of performing vehicle inspections to ensure the safe operation of commercial vehicles on our nation's highways.
- (7) NO OUT-OF-SERVICE DEFECT
A thorough evaluation of your information does not establish reasonable grounds to believe a substantial violation of this agency's regulations exists.

Proper maintenance of a motor carrier's equipment is important. Certain items have been identified as critical to the operational safety of the vehicle, the absence or inoperativeness of which is considered to be imminently hazardous.

With the dramatic increase in the number of vehicle inspections performed by the States as a result of the Motor Carrier Safety Assistance Program, the likelihood of your vehicle (or vehicles being operated by (name of motor carrier)) being examined at a random roadside inspection site is great. The many roadside vehicle inspections conducted by the States help to ensure motor carriers properly maintain their equipment and unsafe vehicles are removed from operation.

(8) CONCLUSION TO LETTER, IF APPROPRIATE

If you can provide further information which you think we should consider, please respond to the above address.

(9) Thank you for your interest in motor carrier and highway safety.

=====

Response to complainant at conclusion of
investigation (valid complaint)

Figure 4

This is in further reference to my (date) letter sent to you as a result of information you supplied concerning the safety compliance of (name of motor carrier).

The matter has been investigated and certain instances of noncompliance as you alleged were discovered. We believe the action we have taken with the carrier as a result of our investigation will result in prompt correction.

If you find that these or other violations of this agency's regulations continue, please advise me.

Thank you for your interest in motor carrier and highway safety.

=====

Response to complainant when enforcement is contemplated

Figure 5

This is in further reference to my (date) letter to **you** sent as a result of information you supplied concerning the safety compliance of (name and address of motor carrier).

The matter has been investigated and instances of noncompliance as you alleged were discovered. An enforcement action against the carrier is currently being prepared to improve the carrier's compliance.

Thank you for your interest in motor carrier and highway safety.

=====

Response to complainant when **allegations** are unfounded

Figure 6

This has further reference to my (date) letter sent to you as a result of information you supplied concerning the safety compliance of (name of motor carrier).

The matter has received careful attention; however, our investigation failed to disclose violations of the type referred to in your letter.

Please advise if we may be of further assistance.

=====

The above letters may be modified as appropriate.

Attachment B

COMPLAINT REGISTER

REGION _____

TERRITORY AREA NO. _____

Complaint NO. and Date Received	Subject Name and Address	Violation(s)	Complainant Name, Address and Date Complaint Acknowledged	Action Taken	code no. and Name of S/I Completing Report	Date Of Report	Date Complainant Advised as to Disposition
B-84-047-003	Jones Trucking Co. 1000 W. First St. Winston Salem, NC	392.6; 395.3; 394.8; 396.11; 177.817	Mr. D.R. North 325 E. Oak Street Atlanta, GA 30300 ACKNOWLEDGED: 12/ /84	CR	003 Brian Smith	2/5/85	2/5/85
B-84-048-091 12/28/84	John's Trans. Inc. 8934 Industrial Way Cherryhill, NC	395.8	Mr. Bradley M. Jones 5697 stone Street Cherryhill, NC 27123 ACKNOWLEDGED: 12/ /84	ENF	091 Wm. Otto	1/11/85	1/14/85 (results Of Investigation) Penalty: \$5,000 3/20/85 3/22/85 - advised complainant
B-84-049-195	Jones Trucking Co. 1000 W. First St. Winston Salem, NC	395.3; 396.11	Mr. Ernest L. Watkins 100 Chester Ave. Winston Salem, NC 27221 ACKNOWLEDGED: 1/ /85	CR	195 Carol Blossum	2/5/85	2/8/85 Combined with 48-84-047-003
L-85-407-201 1/5/85	M&L Transport, Inc. 425 Elm Street Raleigh, NC	395.8; 396.11	Senator Jessie Helms Senate Building - Washington, D.C. 20590	ENF	201 Randall Brown	1/15/85	Report mailed to Region 1/15/85 HQ Advised Senator on 1/29/85



U.S. Department
of Transportation

**Federal Highway
Administration**

Motor Carrier Training Manual

Volume 4 - ENFORCEMENT

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Volume **4-ENFORCEMENT**

Chapter 1-ENFORCEMENT REPORTS (FORM **MCS-152**)

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1. PURPOSE. To set forth the standard operating procedure for reporting and transmitting reports of investigations documenting violations of the Federal Motor Carrier Safety Regulations (**FMCSRs**), the Federal Hazardous Materials Regulations (**HMRs**), the Noise Emission and Compliance Regulations, and the Financial Responsibility Regulations.
2. OBJECTIVE
 - a. Establish guidelines for a uniform and orderly reporting method of the noncompliance with the **FMCSRs** and **HMRs** of motor carriers, hazardous materials shippers and/or individuals.

- b. Identification of the procedural steps and forms to be completed in the processing of an enforcement report.
- 3. POLICY Enforcement is considered to be one of several management tools available to improve the level of compliance among commercial motor carriers and drivers. Enforcement is used when other administrative management tools are considered to be ineffective in improving compliance or when violations are life endangering.
- 4. DEFINITION OF LEGAL ENTITY
 - a. There are three basic legal entities which conduct business and are recognized by law. These are operations which can sue or be sued, which can contract, and which can be held responsible and prosecuted for noncompliance with applicable laws and regulations. These entities are:
 - (1) Sole proprietor - a business conducted by an individual.
 - (2) Partnership - an association of two or more persons in a business enterprise. The agreement defines the partners' joint interest and may be written or oral. Corporations may enter into partnerships with other corporations or with individuals.
 - (3) Corporation - a group of persons issued a charter by a governmental entity authorizing the conduct of a particular type of business and granting them as a body certain of the legal powers, rights, privileges, and liabilities of an individual distinct from those of the individuals making up the group.

- (4) Other entities licensed, chartered, or authorized by political subdivisions or statutes may be encountered such as cooperatives and transit authorities. For our purposes, they may be considered as similar to corporations.
- b. Safety specialists must determine the correct business entity name in the preparation of an enforcement action. Other names may be used to describe the correct business entity. Do not be confused by names described on shipping documents and/or other signs depicting the name of the business entity. Search for official documentation, like a business license or corporate charter to identify the entity. Other terms used to identify or describe operations are:
 - (1) Branch - usually part of legal entities. While there are always exceptions, a "branch" is not usually used to describe a separate legal entity.
 - (2) Division - usually the same as a branch. Again there are always exceptions and on occasion a "division" will be used to describe a separate legal entity. An example of this may be a corporation wholly owned or controlled by another corporation. The division in this case may be the legal entity and care must be taken to identify the subject for prosecution.
 - (3) Wholly owned subsidiary - describes the relationship between one corporation which controls another by ownership of all or a majority of the stock of the subsidiary corporation. The owning corporation cannot be held responsible for the acts of the subsidiary except in unusual circumstances. A business entity may incorporate a subsidiary to perform its corporate transportation. During the review, when more than one business

entity is identified by the safety specialist, care must be taken to ensure that the motor carrier or hazardous materials shipper entity responsible for compliance is named as the subject in the enforcement report.

- (4) Individuals, partnerships, and corporations may do business under more than one trade or business name. Separate accounts and records may be maintained for each, in effect constituting the operation of more than one business enterprise. Care must be taken to determine the exact organizational structure of each entity before preparing the enforcement report.

5. GUIDELINES FOR INSTITUTING ENFORCEMENT ACTION

- a. Reviewing the following areas will assist the safety specialist in determining if an enforcement action may be necessary:
 - (1) Does the carrier's file show that past efforts to obtain compliance have not been effective? Is the carrier in the **SCE** Program?
 - (2) Does the carrier's file show that the subject motor carrier has violated the safety regulations in the past? Prior safety/compliance reviews (**SR/CR**), complaint investigations, driver/vehicle examinations, accident reports, State reports and/or any other information may be analyzed to determine noncompliance. This type of analytical review provides a safety specialist with insight into the motor carriers safety management controls.
 - (3) Has the CR revealed adequate evidence to prove the violation(s), and that the subject knowingly and willfully violated the **FMCSRs** or **HMRs**?

- (4) Is the carrier's accident ratio higher than the generally known average? Does it appear that the failure to comply with the safety regulations contributed to the accident(s)? If a hazardous materials shipper, what does the record show as to their hazardous materials compliance history?
- (5) Do the violations discovered reveal a pattern of behavior which shows an indifference or disregard for the safety regulations?
- (6) Have the type of violations discovered resulted in or are they likely to result in accidents caused by the use of unqualified or inexperienced drivers, fatigued drivers, or the operation of unsafe or defective motor vehicles?
- (7) Based upon first hand knowledge does the safety specialist believe that compliance cannot be obtained without prosecution? Is prosecution the only remedy?

While all of the factors listed in paragraphs a. (1) through (7) should be considered, it is not necessary that all be present to initiate an enforcement action.

- b. Motor carriers and hazardous materials shippers are expected to be familiar with the applicable safety regulations and to comply with them. **The Office of Motor Carriers (OMC) cannot condone any violation or consider any number or percentage of violations to constitute acceptable compliance.** On the other hand, it would probably be counterproductive to attempt to prosecute each and every violation. The critical violation guidelines, in the safety rating methodology, were developed to assist safety specialists in determining when noncompliance with

specific regulations is unacceptable. Finally, since enforcement cases are much more likely to result from CR, the guidelines also help to reduce the subjectivity involved in deciding when to initiate an enforcement action.

In some instances one or a few violations warrant the preparation of an enforcement case. The following are guidelines to assist in making the decision:

- (1) Does the motor carrier or hazardous materials shipper have systems in place to control safety compliance?
 - (2) If more than one violation, was there a pattern or similar circumstances surrounding each, and in each instance did the motor carrier or hazardous materials shipper take any action to prevent or discourage further noncompliance?
 - (3) Was the violation(s) inadvertent, and if not, who did commit the violation(s)?
 - (4) What level employee(s) committed or caused the violation(s)? Was the motor carrier or hazardous materials shipper employee(s) so instructed by management?
 - (5) If an action by a responsible official or supervisor would have or could have prevented the noncompliance, identify who failed to act.
- c. Prosecution should be directed at the individual(s) committing the violations in situations where noncompliance did not occur as a result of a failure to act by a motor carrier. There must be evidence to support their unawareness of noncompliance. As an example, a driver knowing that the vehicle was required to be placarded is discovered to be transporting a load of Class A explosives without the required placards. If there is no evidence that the

carrier knew of the violation or had condoned such violations in the past, then the driver should be the subject of the enforcement report. If it is discovered, for example, that a terminal manager or dispatcher ordered the driver to proceed without the placards, then the carrier should be made the principal with the individual responsible named as an aide and abettor.

- d. To prosecute an individual that required violations of the **HMRs**, we should name the carrier, the shipper, or the person actually committing the violation(s) as the principal, and the individual requiring the violation as an aide and abettor. For certain violations of the **FMCSRs**, the person requiring the violations may be named as the principal.
- e. If one Region discovers serious noncompliance warranting enforcement action on a motor carrier domiciled in another Region, contact must be made with the domicile Region for concurrence with this decision. If agreement on the enforcement action cannot be reached, it may be appealed to the Federal Programs Division (**HFO-10**) for settlement. In accordance with the established complaint procedure, the domicile Region will issue the investigation number and record the appropriate information on the complaint register.

6. FORMAT OF ENFORCEMENT REPORT

- a. An enforcement report documenting violations of the **FMCSRs** and/or **HMRs** by motor carriers and/or hazardous materials shippers shall consist of:
 - (1) A completed cover sheet, Motor Carrier Safety Enforcement Report, Form **MCS-152**.
 - (2) A copy of the CR and narrative report (see Volume 2, Chapter 16). NOTE: For a Part 387 violation during a **SR**, the **SR** would replace the CR format.

(3) The Exhibit Abstracts, Form MCS-152A.

- b. Additional subject reports are companion to a principal report. These reports name the person(s) who actually committed the offense(s), documented in the principal report. They may also name the person(s) who aided and abetted in the violations. Some examples of additional subject enforcement actions are drivers who violate the hours of service limitations, or operate unsafe equipment, or falsify a required record. This would include employees of motor carriers or hazardous materials shippers, who permit Poison A or B to be shipped or transported by a motor carrier in the same vehicle with food commodities.
- c. Additional Subject enforcement report requires the following format:
 - (1) A cover sheet,
 - (2) A narrative report, and
 - (3) Exhibit Abstracts pertaining to violations.

7. PREPARATION OF ENFORCEMENT REPORTS

- a. The quality of an enforcement report is no better than the degree of care and accuracy used in its preparation. The narrative portion must be understandable to persons who may not have knowledge of transportation industry practices.
- b. Form MCS-152 is the cover sheet for the enforcement report and requires information on both front and back of the form. The cover sheet shall be placed on top of the copy of the CR and prepared in the following manner. (See Attachment D)

Field 1 - Investigation Number. Enter the number as shown on the complaint register for the investigation.)

Field 2 - Carrier/Shipper Census Number. Enter the census number of the subject. Leave this field blank on additional subject reports.

Field 3 - Subject. Enter name of the motor carrier, hazardous materials shipper or additional subject for which the report is being prepared. The motor carrier or hazardous materials shipper name must be shown as on the CR.

Field 4 - Mailing Address. Enter the subject's mailing address as shown on the CR in Field 12. If additional subject show home mailing address.

Field 5 - City. Enter the city, town, or post office which is shown on the CR in Field 13. See Field 3 for additional subjects.

Field 6 - State. Enter the two letter abbreviation for the State as shown on the CR in Field 15. See Field 3 for additional subjects.

Field 7 - Zip Code. Enter the five digit zip code number as shown in the CR in Field 16. See Field 3 for additional subjects.

Field 8A - Section Number. Enter the specific section number for the violation as shown in Attachment A or B.

Field 8B - Violation Description. Enter the description of the violation as shown in Attachment A or B. If the attachment does not contain the section number and the description, use the language from the regulation.

Field 8C - Number Discovered. Enter the number of violations discovered as shown on the CR, PART B, in Field 43. For additional subjects enter number discovered.

Field **8D** - Number Documented. Enter the number of violations being documented in the report.

Field **8E** - Number Recommended for Prosecution. The first level supervisor or designee is required to concur with the number documented in the report or indicate the number recommended for enforcement action. Changes in number documented are to be explained on back of cover sheet in the comments section.

Field **9A** - Date Assigned. Enter the date the complaint was entered on the complaint register. If the decision to make an enforcement report resulted from a CR, the date entered will be the date the safety specialist arrived at this determination. The complaint register should record the same date.

Field **9B** - Date Commenced. If a complaint assignment enter the date the investigation began. If a result of a CR the date will be the same as date assigned in **9A**.

Field **9C** - Date Investigation Completed. Enter the date that the investigation has been completed, which means that all the evidence and statements have been collected. Ordinarily this should be the date the safety specialist delivers the CR to the motor carrier.

Field **9D** - Date Report Completed. Enter the date the report was completed for transmittal to the first level supervisor. This date should not be confused with the date the investigation was completed in Field **8C**.

Field **9E** - Date Sent to Region. Enter the date the first level supervisor forwarded their review of the enforcement report to the Region.

Field **9F** - Date Returned by Region. Enter the date the Region Director of Motor Carriers (**RDMC**)/**Regional Programs Coordinator (RPC)** returned the enforcement report to the State Director (**SD**)/**Officer-in-Charge (OIC)** from the Region.

Field **9G** - Date Resubmitted to Region. Enter the date the first level supervisor resubmits the corrected report to the Region.

Field **9H** - Signature and Code Number. Enter the signature and code number of the safety specialist who prepared the enforcement report.

Field **10** - Reviewed and Approved Section. The signature of the individual performing the first level of review indicates the report contains adequate evidence and is their concurrence for prosecution. If the reviewing official does not concur with the evidence and believes the report cannot be salvaged by rewriting, clarification, or further investigation this field remains blank. An explanation will be furnished on the reverse side of Form **MCS-152** and the report forwarded to the Region for concurrence.

- c.** Comments Section of an enforcement report on reverse side of Form **MCS-152** is divided into three sections. The **SD/OIC**, the Regional Program Coordinator (**RPC**) and the **RDMC** have been provided with space for their comments concerning the case. Guidelines suggested for completing this section are as follows:

- (1) The **SD/OIC** comment area has been divided into three comment areas. The reviewer of the enforcement report is being asked to comment on the timeliness and quality of the case. It is suggested that this section cover any change made to the documented counts submitted by the

safety specialist and reflected by their entry in the recommendation column of the cover sheet.

- (2) The Recommended Assessment section of the comment area requires that the SD/OIC make a recommendation concerning the appropriate penalty. This recommendation should be made based on the guidelines established by National/Regional policy. It may contain suggestions for other provisions such as, consent orders, etc.
- (3) The RPC Comment Area has been divided into three comment areas. Appropriate comments should be made relative to the quality of the report. Constructive comments may be written to assist the first line supervisor and preparer of the report. The RPC will make a recommendation for a claim letter based on the merits of the report and established guidelines. In addition recommendations for other provisions may be included in this area.
- (4) The comment segment should include any information of importance relative to this case. It may be necessary to explain the need for a higher/lower penalty in this matter. The justification for the penalty should be documented in this section. If reports are to be closed, returned or changed (counts dropped) the action should be shown in this area.
- (5) The RPC will have the responsibility for recording and updating the microcomputer enforcement program upon receipt of the enforcement report. Reports should be generated with regularity to review the status of enforcement actions within Region.
- (6) The RDMC should note concurrence or nonconcurrence with the penalty suggested or other actions recommended by the RPC on this enforcement report. In addition, monitor these established guidelines for effectiveness in the National/Regional enforcement procedures.

- d. A copy of the CR and the narrative report will be used to furnish the description of the subject in the enforcement report and to report the areas of violation discovered during the investigation. The CR will be completed as outlined in the Volume 2, Chapter 16 of this manual. In addition, the safety specialist is to report factual and concise information in a narrative section. The narrative section may be legibly hand written or typed on continuation sheet(s) or bond paper. The narrative report will contain six subject headings as follows:

(1) Description of Subject - Enter additional information not shown in Part A of the CR. It may be necessary to enter names of corporate officials and their titles if not contained on Part A of the CR. If sufficient information appears on Part A for a motor carrier or hazardous materials shipper, the only entry under this subject heading is "**see** Part A of the CR".

(a) If the enforcement report is for an additional subject, the narrative will appear on a Continuation Sheet(s) or bond paper. The following information is required in the description of subject:

- 1 Full legal name and mailing address.
- 2 Driver's license information, State, and number.
- 3 Physical description, date of birth, height, weight, color of hair, color of eyes, and other information as appropriate. Evidence of ill health or physical handicaps should be described.

4 Occupation and description of duties as appropriate.

5 Information on gross income for past year and include any evidence of financial insolvency if known or claimed by the additional subject.

(2) Reason for Contact - Enter reason for contacting the motor carrier or hazardous materials shipper, i.e., "Reason for contact" - This investigation initiated because the carrier:

- (a) is in the SCE program due to a safety rating of "unsatisfactory" following a 12/28/87 safety review, (see Exhibit B).
- (b) had an accident ratio of 2.27, twice as high as the national average for carrier's of like size and at the time of their last review.
- (c) was the subject of 21 roadside inspections from 8/26/86 until 4/1/88 reporting a 40% out-of-service for vehicles and a 20% out-of-service for drivers.
- (d) has been the subject of three written complaints in the past 12 months alleging noncompliance with driver qualifications, hours of service (false records of duty status) and maintenance of their equipment."

No enforcement report is limited to the above examples.

(3) Reason for Enforcement - Enter factual information as to the reason for enforcement action. (i.e., pattern of violations, lack of safety management controls, serious injury or health risk, fatal accident).

An example of this type of entry might include, but is not limited to the following: "Reason For Enforcement - This report is being submitted because:

- (a) The investigation revealed the carrier is operating in serious noncompliance with most of the **FMCSRs**. The carrier did not have a single complete qualification file for any driver of the **26** employed. Two drivers had no qualification file at all while being used in interstate transportation. All **16** drivers checked for duty status records failed to make records when required or operated in violation of the **10, 15, and 70** hour limits, or falsified their records to conceal hours of service violations. The carrier failed to report an injury and property damage accident. The carrier's drivers were not provided with forms to complete the driver equipment post trip inspections of the equipment.
 - (b) The carrier has taken no action to correct areas of noncompliance since the previous contact."
- (4) **Knowledge and Willfulness** - Enter prior enforcement activity and other efforts taken to bring about compliance. Reference should be made to the Exhibit Abstracts pertaining to the information.

An example of this type of entry might include, but is not limited to the following: "Knowledge and willfulness - violations identical to those documented in this report were cited on **12/12/86** in the CR. (See Exhibit **B**) Following that review, the President, John **S.** Smith submitted a

letter to the Office of Motor Carriers on 01/05/87 stating the company's operation had been brought into compliance, and detailed his personal involvement in the process (see Exhibit C). Violations of the type documented in this report appeared on state inspections reports also included in Exhibits D, E, F, G, and H."

- (5) Documents and Witnesses - Identify the documents and the persons they were obtained from. Identify any witness not previously described in the report. As necessary, identify the persons preparing documents, the persons who can explain the purpose and distribution of the document(s), or other facts not readily apparent from the face of the document(s). If not clear from other parts of the enforcement report, explain the facts which the witnesses can testify to.

An example of this type of entry might include, but is not limited to the following: "Documents and Witnesses - All carrier documents contained in this report were obtained from John S. Cooper, Operations Manager and Jane B. Smoot, Dispatcher/Log Clerk who personally obtained the records from the carrier's files and identified the records of duty status, trip sheets, receipts, and the company's procedures for dispatching freight and controlling the drivers' activities. Mr. John S. Smith, President reported the gross revenue of \$750,000 for calendar year 1987."

- (6) Defenses or excuses - Enter motor carrier or hazardous materials shipper official's offered defense or excuse.

An example of this type of entry might include, but is not limited to the following: "Defenses or excuses - Mr. John S. Smith, President, stated their safety compliance problems have

been related to the turn over of personnel in the operations division. Mr. John **S.** Cooper, advised there was not enough time to qualify their new drivers and control their hours due to pressure from their customers. Ms. Jane B **Smoot** stated that she had been advising drivers verbally not to drive more than **10** hours without 8 hours off duty. Mr. **Jake V.** Brown, road driver advised he was never asked by the company to control his hours of driving."

- d. Exhibit Abstracts. Exhibit Abstracts (numeric), Form **MCS-152A**, will be prepared for each violation documented within the report. In addition, they will be used for **alpha exhibits** attached to the enforcement report. Exhibit Abstracts are made up of six sections that require information. They are as follows:

- | | |
|--------------------------|--|
| (1) Investigation Number | Enter the complaint number assigned to the enforcement report. |
| (2) Exhibit Number | Enter the number or letter of the exhibit in the report.
<u>Exhibits documenting particular types of violations shall be numbered consecutively in date order.</u> For example, if documenting two violations of one type and 15 violations of another type, one type violation shall be numbered 1 and 2 and the other 3 to 17 , or one type numbered 1 to 15 and the other 16 and 17 . |

- | | |
|---------------------------|--|
| (3) Section Number | Enter the 49 CFR Section number. |
| (4) Violation Description | Enter the description of the violation as found in Attachment A or B of this chapter. If a standard description is not provided, use language paralleling the section. Leave this area blank for lettered exhibits. Use Exhibit Abstract Forms, if available; fill in the appropriate blanks. |
| (5) Remarks | Enter the required information for the violation in the blank areas of the standard prepared abstract. If not available enter the standardized language used in a claim letter for the violation. Enter any other appropriate information that would assist in proving the violation. For lettered exhibits, the "Remarks" section will be used for any necessary description, identification, or other explanation of documents, reports, |

material, or objects submitted as evidence. If the exhibit pertains to other lettered or numbered exhibits, also reference those exhibits in this section.

(6) Documents

List the documents pertaining to the numbered or lettered exhibit. Identify the document by name, number, and date.

- e. A separate Exhibit Abstract shall be prepared in support of each documented violation, even if the violations occurred on the same trip and are supported by the same evidence.
 - (1) Documents of a **general** nature, such as those relating to knowledge and willfulness, handling of paperwork, or statements, supporting more than one count shall be submitted in an alpha exhibit with information as to what numerical exhibits the document pertains too. Be sure to indicate on the numbered exhibit prepared for each violation which alpha exhibit supports the violation.
- f. Documentary evidence will ordinarily consist of copies of documents obtained from the motor carrier, the hazardous materials shipper, or the Government files. Statements of witnesses will support the **elements** required to prove violations.
 - (1) Copies of documents are usually for the use of Government attorneys in preparing a case for trial or a formal hearing. If necessary under the rules of evidence, a subpoena will be issued

requiring the originals be presented at the trial or hearing. If the original documents are lost or destroyed, the copies can be presented as evidence. The careful safety specialist uses a copied document that is legible with all notations or remarks pertaining to the violation. Do not make any notes or additional entries on the face of the copy. If a totally legible copy cannot be reproduced, make an additional copy for touching up the illegible portions. Handwritten copies may be used if circumstances will not permit copying or photographing.

- (2) It is best to submit copies of documents from the Office of Motor Carriers' files with an enforcement case. If the enforcement action leads to a formal hearing or trial the original documents can be presented at that time by the safety specialist. If the document cannot be legibly reproduced the original may be submitted as a lettered exhibit. It shall be the responsibility of the safety specialist submitting the case to return the original documents to the field file.
- (3) Safety specialists should be alert to the destruction of records procedures existing and ensure that no government record needed as evidence in a pending case is destroyed.

a. REVIEW AND DISTRIBUTION OF FORM MCS-152 ENFORCEMENT CASE REPORTS

- a. The enforcement report prepared by OMC personnel shall be submitted to his/her SD/OIC.

- (1) Safety specialists completing an enforcement report will give the preparation of it the highest priority before scheduling new work activity.
 - (2) Safety specialists will review their report for clarity and factual information. The report must be prepared within the procedures outlined and submitted with the original and two copies to the first line supervisor within **10** working days from date the investigation was completed. Reasons for unexpected delays in completing the report are to be discussed with the field supervisor for an extension of time.
- b. The review and distribution of enforcement reports by **SD/OIC** will:
- (1) Upon receiving an enforcement report, the supervisors will promptly review the report. The evidence contained within the report must support the violations described. The review should cover the quality, timeliness and appropriateness of the report.
 - (2) If the report is incomplete due to a lack of sufficient evidence or is inconsistent with **OMC** policies or procedures, it shall be returned to the safety specialist for corrective action. An enforcement report shall not be counted as a completed item on Form **MCS-85** until it has been approved by the first level supervisor.
 - (3) After the review, the **SD/OIC** shall sign the report and forward the original and 2 copies to the **RDMC**. If the report involves a motor carrier or hazardous materials shipper domiciled in another Region an additional copy will be submitted.

- (4) Completed enforcement reports are to be reviewed and forwarded to the **RDMC** within **10** working days from receipt. Unexpected delays are to be discussed with the **RPC**.

d. Review of Enforcement Reports by the RDMC

- (1) Upon receiving an enforcement report the **RDMC** shall promptly cause a review of the report to make certain that the evidence supports the violations described, and to assure that it is prepared in accordance with procedure and policy. The Regional enforcement report review should be completed within **10** working days of receipt.
- (2) If the enforcement report is deficient, it should be returned to the **SD/OIC** identifying the problem areas of the report. The report is to be resubmitted to the Region within **20** working days, if not closed out.

e. Regional Distribution of Enforcement Reports After having determined that the report is satisfactory, the **RDMC**, or his designee, shall indicate approval by signing and dating the report. The distribution of the enforcement report is as follows:

(1) Subject Domiciled Within The Region

- (a) The Regional Office shall retain the original with exhibits, until enforcement action is settled.
- (b) One copy, when signed, should be returned to the Division Office.
- (c) One copy of the enforcement report and additional subjects report will be forwarded to **OMC** Field Operations (**HFO-1**) Exhibit Abstracts or documents.

(2) Subject Domiciled In Other Regions.

- (a) The **RDMC** for the Region in which the report was prepared shall review and sign the report as set forth in this chapter, and forward the original of the principal report and any additional subject reports, all copies, all exhibits, and the evidence, to the **RDMC** for the Region in which the principal subject is domiciled.
- (b) Upon receipt of the report, review and handling by the **RDMC** of the Region of domicile shall be as set forth in this Chapter for reports prepared in the Region of domicile.

Attachment A

VIOLATIONS OF 49 CFR PARTS 387-397

Section Number	Violation
387.7(a)	Operating a motor vehicle without having in effect the required minimum levels of financial responsibility.
387.7(d)	Failing to maintain at principal place of business required proof of financial responsibility
387.7(f)	Failure of foreign carrier to have on board vehicle a legible copy, in English, of proof of financial responsibility.
387.7(a) 387.11	The policy of insurance or surety bond is furnished by an insurer not authorized to issue such policies or bonds in carrier's State of domicile.
387.15	Failing to have complete information on required endorsement(s) or surety bond.
387.31(a)	Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility.
387.31(d)	Failing to maintain at principal place of business required proof of financial responsibility for passenger vehicles.
387.31(f)	Failure of foreign passenger carrier to have on board a legible copy, in English, of proof of financial responsibility.
387.31(a)/ 387.35	The policy of insurance or surety bond is furnished by an insurer or surety not authorized to issue such policies or bonds in passenger carrier's State of domicile.

- 387.39 Failing to have complete information on required endorsement(s) or surety bond for a passenger carrying vehicle.
- 391.5 Failing to be familiar with Part 391 of the Federal Motor Carrier Safety Regulations (FMCSR).
- 391.7 Aiding or abetting a driver to violate the rules of the (FMCSR).
- 391.11(a)/
391.11(b)(1) Using a driver less than 21 years old.
- 391.11(a)/
391.11(b)(2) Using a driver unable to (read) and/or (speak) the English language.
- 391.11(a)/
391.11(b)(3) Using a driver lacking training or experience to safely operate the vehicle being driven.
- 391.11(a)/
391.11(b)(4) Using a driver lacking training or experience to determine if the (cargo) or (baggage) the driver transports has been properly (located) or (secured).
- 391.11(a)/
391.11(b)(5) Using a driver unfamiliar with methods of securing cargo on motor vehicle driven.
- 391.11(a)/
391.11(b)(6) Using a physically unqualified driver.
- 391.11(a)/
391.11(b)(7) Using a driver without a currently valid motor vehicle operator's license or permit.
- 391.11(a)/
391.11(b)(8) Failing to require driver to furnish list of motor vehicle traffic violations each 12 months.
- 391.15(a) Using a disqualified driver.
(NOT for a physically unqualified driver.)
- 391.11(a)/
391.11(b)(10) Using a driver who has not taken a road test or who has not been issued certificate of driver's road test or presented a classified license.

- 391.11(a)/
391.11(b)(11) Using a driver who has not completed written examination or who has not been issued certificate of written test.
- 391.11(a)/
391.11(b)(12) Using a driver who has not completed and furnished an employment application.
- 391.23(a) Failing to investigate driver's background.
- 391.23(c) Failing to investigate driver's background within **30** days of employment.
- 391.25 Failing to (review driver's driving record each **12** months) or (to note review of driver's driving record in driver qualification file).
- 391.11(a)/
391.45(a) Using a driver without a medical examination.
- 391.11(a)/
391.45(b) Using a driver not physically reexamined each **24** months.
- 391.11(a)/
391.45(c) Using a driver not physically reexamined after (physical injury or impairment) or (mental injury or impairment).
- 391.51(a) Failing to maintain driver qualification file on each driver employed.
- 391.51(b)(1) Failing to maintain medical examiner's certificate in driver's qualification file.
- 391.51(b)(2) Failing to maintain letter granting waiver of physical disqualification in qualification file.
- 391.51(b)(3) Failing to maintain notation of annual review of driver's driving record in driver's qualification file.
- 391.51(b)(4) Failing to maintain (list or certificate) of violations of motor vehicle laws in driver's qualification file.

- 391.51(c)(2) Failing to maintain driver's employment application, in driver's qualification file.
- 391.51(c)(3) Failing to maintain inquiries into driver's driving and employment record in driver's qualification file.
- 391.51(c)(4) Failing to maintain original of the signed road test and the original or copy of the certificate in driver's qualification file. (Carrier may accept certain State licenses as equivalent - check **391.33.**)
- 391.51(c)(5) Failing to maintain (driver's written examination certificate) and/or (examination questions and answers given) in driver's qualification file.
- 391.51(d)(4) Failing to maintain casual or intermittent driver's name, social security number, and the identification number, type and issuing State of motor vehicle operator's license in driver's qualification file.
- 391.51(e) Failing to maintain a copy of **391.65(b)** certificate from regular employing carrier that driver is qualified under Part **391** of the Federal Motor Carrier Safety Regulations in driver's qualification file.
- 391.51(f) Failing to keep driver qualification file for at least 3 years after termination of driver's employment or failing to keep driver qualification files at principal place of business.
- 391.51(f)/
391.51(g) Maintaining driver qualification files at location not approved by the Regional Director of Motor Carriers.
- 391.51(h) Failing to keep required records in driver's qualification file for 3 years after date of execution.
- 391.51(a) Failing to maintain driver qualification file in accordance with **391.51(b), (c), or (d).**

- 392.2 Requiring or permitting a motor vehicle to be operated not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.
- 392.4(a) Driver under the influence of, or using a narcotic drug, amphetamine, or other substance, which renders driver incapable of safely operating a motor vehicle.
- 392.4(a) Driver in possession of a narcotic drug, amphetamine, or other controlled substance, not manifested and part of a shipment.
- 392.5(a)(1) Driver consuming an intoxicating liquor within 4 hours before operating a motor vehicle.
- 392.5(a)(2) Driver consuming, or under the influence of an intoxicating liquor while operating a motor vehicle.
- 392.5(a)(3) Driver operating a motor vehicle while in possession of an intoxicating liquor that is not manifested and part of cargo being transported.
- 392.5(b)(2) Requiring or permitting a driver who has consumed an intoxicating liquor within 4 hours to operate a motor vehicle.
- 392.6 Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed.

DURING THE PERIOD OF ONE-HALF HOUR
AFTER SUNSET TO ONE-HALF HOUR BEFORE SUNRISE

- 393.1(a)/
393.9 plus
specific
subsection Operating a single vehicle or towing vehicle that does not have at least one head lamp operative on low beam.
- 393.1(a)
393.9 plus
specific
subsection Operating a bus, truck, truck tractor and towed vehicle (including driveaway-towaway operations) not having at least one steady burning red lamp on the rear of the **rearmost** vehicle.

393.1(a)/
393.9 plus
specific
subsection Operating a vehicle not having at least one
operative steady burning red or amber lamp on
the rear of loads projecting 4 or more feet
beyond the vehicle body.

AT ANY TIME DAY OR NIGHT

393.1(a)/
393.9 plus
specific
subsection Operating a vehicle not having at least one
operative stop lamp on the rear of a single
unit vehicle or the **rearmost** vehicle of a
combination of vehicles.

393.1(a)/
393.12 plus
specific
subsection Failing to equip (bus or truck) with lamps or
reflectors.

393.1(a)/
393.13(b) plus
specific
subsection Failing to equip truck-tractor with lamps or
reflectors.

393.1(a)/
393.14 plus
specific
subsection Failing to equip trailer with lamps or
reflectors.

393.1(a)/
393.16 plus
specific
subsection Failing to equip pole trailer with lamps or
lamps and reflectors.

393.1(a)/
393.17 Failing to equip driveaway-towaway vehicle
with lamps or reflectors.

393.1(a)/
393.18 Failing to equip vehicle transporting load
extending beyond (side(s)), (rear) with
required lamp(s)).

393.1(a)/
393.19 Failing to equip vehicle with turn signal(s).

- 393.1(a)/
393.19 Failing to install turn signal system capable of flashing simultaneously with ignition of vehicle turned on or off.
- 393.1(a)/
393.20 Failing to mount clearance lamps to indicate extreme (width or height).
- 393.1(a)/
393.24(b) Failing to equip (bus, truck, or truck-tractor) with two head lamps.
- 393.1(a)/
393.25(e)
plus
appropriate
subparagraph Failing to equip (bus, truck-tractor, or trailer) with (correct color and location of lamp).
- 393.1(a)/
393.25(g) Failing to equip (bus, truck, etc.) with stop lamp.
- 393.1(a)/
393.26(d) Failing to equip (bus, truck, truck-tractor, or trailer) with (correct color and location of reflector) colored reflector.
- 393.1(a)/
393.28 Failing to (protect or support) electrical wiring.
- 393.1(a)/
393.30 Failing to cover a battery.
- 393.1(a)/
393.32 Making detachable wiring connections by twisting together wires.
- 393.1(a)/
393.33 Arranging electrical wiring with (bare, loose, dangling or poorly connected) wires.
- 393.1(a)/
393.40 plus
specific
subsection) Failing to equip (bus, truck, etc.) with required brake plus systems.

- 393.1(a)/
391.41
plus
specific
subsection) Failing to equip (bus, truck, etc.) with parking brake (or adequate parking brake).
- 393.1(a)/
393.42 Failing to equip (bus, truck, etc.) with brakes acting on all wheels.
- 393.1(a)/
393.43(a) Failing to equip towing vehicle with means of protecting service brakes in case of break-away of the towed vehicle.
- 393.1(a)/
393.43(b) Failing to equip towing vehicle with manual or automatic means to actuate trailer brakes in the event of reduction of towing vehicle air **supply**. (Must be automatic at **20** to **45** psi.)
- 393.1(a)/
393.43(d) Failing to equip trailer with (operative) automatic means of brake application upon break-away from towing vehicle, capable of maintaining application for **15** minutes.
- 393.1(a)/
393.44 Failing to equip bus with front brake line protection.
- 393.1(a)/
393.45(a)(4) Failing to secure brake (hose or tubing) against chafing, kinking, or other mechanical damage.
- 393.1(a)/
393.45 plus
appropriate
subsection Any other violation of **393.45**.
- 393.1(a)/
393.46(b) Operating a vehicle with a leak at a brake hose or tubing connection.
- 396.3(a)(1) Air leak at a location other than at a connection or in a brake hose/tubing.
- 393.1(a)
plus specific
subsection Any other violation of **393.46**.

- 393.1(a)/
393.47** Failing to equip motor vehicle with brake linings adequate to provide for safe and reliable stopping.
- Note:** Cite for all linings, drums or disc pads contaminated with oil, grease or brake fluid.
- 393.1(a)/
393.48(a)** Failing to equip (bus, truck, etc.) with operative brakes.
- 393.6(a)(1)** Failing to securely attach (air or vacuum) reservoir to motor vehicle for enforcement purposes).
- 393.1(a)/
393.50** plus specific subsection) Any other violation of **393.50**.
- 393.1(a)/
393.51(a)** Failing to equip brake system with (warning device or gauge).
- 393.1(a)/
393.60(b)** Failing to equip a motor vehicle with a windshield free of prohibited damage.
- 393.1(a)/
393.60(c)** Using prohibited vision reducing matter upon windshield or window.
- 393.1(a)/
393.63(a)** Failing to mark push out or escape windows.
- 393.1(a)** plus specific section Any other violation of **393.65**.
- 393.1(a)/
393.65(c)** Failing to securely attach fuel tank to motor vehicle.
- 393.1(a)/
393.67(a)(7)** Failing to equip fuel tank fill pipe with a securely fitted cap.

393.1(a)/ 393.67(d)	Failing to equip (bus, truck, etc.) with a fuel tank free of leaks.
393.1(a) plus specific subsection	Any violation of 393.67 other than fill pipe cap or leaking fuel tank.
393.1(a)/ 393.70 plus specific subsection	Any violation or defect involving lower fifth wheel.
393.1(a)/ 393.70 plus specific subsection	Any violation or defect involving upper fifth wheel (or king pin).
393.1(a)/ 393.70 plus specific subsection	Any violation of 393.70(c) or (d) . (Towing of full trailers and required safety devices.)
393.1(a)/ 393.71 plus specific subsection	Any violation of 393.71 . (Coupling devices, towing methods, driveaway-towaway.)
393.1(a)/ 393.75(a)	Operating a motor vehicle equipped with tires having fabric or cords exposed through the tread and/or sidewall.
393.1(a)/ 393.75(b)	Operating a (bus, truck, etc.) equipped with tires on the front wheels having a tread groove pattern depth of less than 4/32 of an inch.
393.1(a)/ 393.75(c)	Operating a motor vehicle equipped with a tire(s) having a tread groove pattern depth of less than 2/32 of an inch.
393.1(a)/ 393.75(d)	Operating a bus with (regrooved , recapped, or retreaded) tires on the front wheels

- 393.1(a)/
393.75** plus
subsection
and paragraph Any other violation of **393.75**.
- 393.1(a)/
393.76** plus
specific
subsection Any violation of **393.76** (sleeper berths).
- 393.1(a)/
393.77** plus
specific
subsection Any violation of **393.77** (heaters).
- 393.1(a)/
393.78** plus
specific
subsection Failing to equip (bus, truck, truck-tractor)
with two windshield wipers.
- 393.1(a)/
393.79** Failing to equip (bus, truck, etc. with a (or
an operable) means for preventing or removing
an accumulation of ice, snow, frost, or
condensation. (Must not be manually operated,
is only required when such conditions are
likely to be encountered.)
- 393.1(a)/
393.80(a)** Failing to equip (bus, truck, etc.) with two
rear vision mirrors.
- 393.1(a)/
393.81** Failing to equip (bus, truck, etc.) with a (or
an operative) horn.
- 393.1(a)/
393.83(a)** Failing to equip (bus, truck, etc.) with
speedometer (or with operable speedometer).
- 393.1(a)/
393.83(a)** Operating a motor vehicle equipped with
exhaust located so as (or is) likely to burn,
char, or damage electrical wiring, fuel
supply, or any other combustible part of
vehicle.

- 393.1(a)/
393.83(b) Operating gasoline powered bus equipped with exhaust system discharging to the atmosphere in excess of 6 inches forward from the **rearmost** part of bus.
- 393.1(a)/
393.83(b)(1) Operating a bus (other than gasoline powered) equipped with exhaust system discharging to the atmosphere in excess of **15** inches forward from the **rearmost** part of bus. (Check section for exemptions.)
- 393.1(a)/
393.83(c) Operating a (truck or truck-tractor) equipped with an exhaust system which does not discharge to the atmosphere at a location to the rear of the cab, or (if the exhaust projects above the cab) at a location near the rear of the cab.
- 393.1(a)/
393.91 Operating a bus with passenger seat(s) not securely fastened to vehicle.
- 393.1(a)/
393.92 Failing to mark bus emergency exits.
- 393.1(a)/
393.93 plus
specific
subsection Failing to equip (bus, truck, etc.) with a seat belt.
(**392.16** - Use of seat belt).
- 393.1(a)/
393.93 plus
specific
subsection Any other violation of **393.93**.
- 393.1(a)/
393.100(a) Failing to load (and/or equip) vehicle so as to prevent shifting or falling of cargo. (See **393.100** for special rules and exceptions.)
- 393.1(a)/
393.102(a) Vehicle equipped with (inadequate or defective) (**tiedown** load binders or hardware, means of attachment to the vehicle, including winches or other fastenings). (To be used when vehicle is equipped with required **securement** devices and it can be shown that such devices are not of prescribed strength, worn, cracked, loose, etc.)

- 393.1(a)/
393.102(f)** Failing to equip vehicle with **tiedown** assemblies which can be adjusted or tightened. (See **393.102(f)** for exceptions.)
- 393.1(a)/
393.106(a)** Failing to equip vehicle with a headerboard or similar structure to prevent shifting and penetration or crushing of driver's compartment. (Check section for height, width, substitute devices, and exemptions.)
- 396.3(a)(1)** Operating a motor vehicle with brake drums or discs cracked.
- 396.3(a)(1)** Air leak at a location other than at a connection **or in** a brake hose/tubing.
- 396.3(a)(1)** (Truck, tractor, trailer, bus, etc.) brake chamber push rod(s) exceeds maximum permitted stroke.
- 396.3(a)(1)** (Truck tractor, trailer, bus) (location of) wheel or rim (bent, sprung, or mismatched).
- 396.3(a)(1)** (Truck, tractor trailer, bus) (location of) disc wheel (cracked or elongated stud holes).
- 396.3(a)(1)** (Truck, tractor trailer, bus) (location of) cast wheel (spoked), (cracked or with wear or slippage in clamp area).
- 396.3(a)(1)** Steering wheels are incapable of being turned from full right to full left.
- 396.3(a)(1)** (Steering wheel lash play) more than **30** degrees (arc) is required at the steering wheel rim before the front wheels move from a straight-ahead position.
- 396.3(a)(1)** (Steering column) absence or looseness of bolts or positioning parts resulting in motion of the steering column. (NOTE: Some steering columns are designed to permit some movement.)
- 396.(a)(1)** (Steering gear attachment) missing or loose bolts or other parts resulting in motion of the steering gear box at the point of attachment.
- 396.3(a)(1)** (**Pitman** arm) looseness on steering gear box.

- 396.3(a)(1) (Truck, tractor, trailer, bus) (location of) any wheel bolts, nuts or clamps loose, broken, missing or mismatched.
- 396.3(a)(1) (Truck tractor, trailer, bus) (location of) equipped with (torque arms, U-bolts, spring hangers, or other axle positioning parts) (cracked, broken, loose or missing) so as to permit displacement of axle from its normal position.
- 396.3(a)(1) (Truck tractor, trailer, bus) spring leaf (leaves), cracked or broken.
- 396.3(a)(1) (Truck tractor, trailer, bus) (location) of spring leaf (leaves), (cracked, broken, or missing) and shifting has occurred (which may permit, or permitting) spring leaf (or leaves) to (fall out, or come into contact with tire, brake drum, or frame).
- 396.3(a)(1) (Truck tractor, trailer, bus) air suspension leaking.
- 396.3(a)(1) (Truck tractor, trailer, bus) (location of) torque arm (or any part of torsion arm assembly) (cracked, broken, or missing).
- 396.3(a)(1) (Truck tractor, trailer, bus) frame cracked.
- 396.3(a)(1) (Truck tractor, trailer, bus) body or frame contacting (tire or wheel).
- 396.3(a)(1) (Truck, tractor, or trailer,) adjustable axle assembly (location of) locking pins, missing.
- 396.3(a)(1) (Truck, tractor, or trailer,) adjustable axle assembly has (in inches) play lengthwise when locked (or latched) in position.
- 396.3(a)(1) (Truck, tractor or bus) engine cannot be started without external assistance.
- 394.7(a) Failing to give immediate notice to **FHWA** of a fatal accident.
- 394.9(a) Failing to report an accident.

- 394.9(a) Failing to make a timely report of an accident.
- 394.9(d) Failing to retain copy of accident report (for 3 years).
- 394.20(a) Failing to prepare accident report **MCS-50-T** or **MCS-50-B** in form and manner prescribed.
- 395.3(a)(1) Requiring or permitting driver to drive more than **10** hours.
- 395.3(a)(2) Requiring or permitting driver to drive after having been on duty **15** hours.
- 395.3(b) Requiring or permitting driver to drive after 'having been on duty more than (**60** or **70**) hours in (**7** or **8**) consecutive days.

VIOLATIONS APPLICABLE ONLY TO DRIVERS AND VEHICLES OPERATING IN

STATE OF ALASKA

- 395.3(e)(1) Requiring or permitting driver to drive after having been on duty more than **70** hours in 7 consecutive days.
- 395.3(e)(2) Requiring or permitting driver to drive after having been on duty more than **80** hours in 8 consecutive days.
- 395.3(e) Requiring or permitting a driver to drive more than **15** hours.
- 395.3(e) Requiring or permitting a driver to drive after having been on duty **20** hours.

END OF VIOLATIONS APPLICABLE SOLELY TO DRIVERS IN STATE OF ALASKA

- 395.8(a) Failing to require driver to make a record of duty status.

- 395.8 plus** Failing to require driver to prepare record of
appropriate duty status in form and manner prescriber.
subsection(s) (Used solely for findings of incomplete
 required entries.)
- 395.8(e)** Requiring or permitting driver to make false
 entries upon a record of duty status.
- 395.8(e)** Failing to require driver to properly enter
 duty status (on hours of service record)
 during **meal** stops.
- 395.8(i)** Failing to require driver to forward within **13**
 days of completion the original of the record
 of duty status.
- 395.8(j)(2)** Failing to obtain from driver (used for the
 first time or intermittently) a signed
 statement giving the total time on duty during
 the preceding 7 days and time at which last
 relieved from duty.
- 395.8(k)(1)** Failing to preserve driver's record of duty
 status for 6 months.
- 395.8(k)(1)** Failing to retain driver's record of duty
 status at principal place of business; or
 failing to retain driver's record of duty
 status at an approved location.
- 395.13(c)(1)** Requiring or permitting a driver declared out
 of service to operate a motor vehicle before
 prescribed off duty (or sleeper berth) time
 has been accumulated.
- 396.3(a)(1)** Failing to inspect and maintain vehicle to
 ensure safe and proper operating condition.
- 396.3(b)** Failing to keep minimum records of inspection
 and vehicle maintenance.

- 396.3(b)** Failing to keep inspection and maintenance records including (type record not kept as required by subsections (1) through (5) of Section **396.3(b)**).
- 396.3(d)** Failing to retain records of inspection and maintenance (for 1 year) (for 6 months after vehicle is no longer controlled). (Used when it is likely records were prepared.)
- 396.3(a)(1)** Failing to maintain brakes in proper adjustment.
- 396.5(a)** Failing to ensure that (bus, truck, etc.) is properly lubricated.
- 396.5(b)** Failing to ensure that (bus, truck, etc.) is free of oil and/or grease leaks.
- 396.7(a)** Operating a motor vehicle in such a condition as to likely cause an accident or breakdown.
- 396.9(c)(2)** Requiring or permitting the operation of a motor vehicle declared out-of-service before repairs were made.
- 396.9** plus specific subsection(s) Any other violations of **396.9**.
- 396.11(a)** Failing to require driver to prepare driver vehicle inspection report.
- 396.11(c)(2)** Failing to retain vehicle inspection report for at least 3 months.
- 396.11(c)** Failing to correct safety-related defects reported by driver.
- 393.11(c)(1)** Failing to certify that repairs were made or were not necessary.

- 396.11(c)(3) Failing to carry a legible copy of the inspection report in the power unit.
- 396.1(a)/
396.13(c) Failing to require driver to sign vehicle inspection report.
- 177.804/
397.2/
397.1(b) Failing to require (category of person) to be familiar with or obey rules in Part 397.
- 177.804/
397.2/
397.3 Requiring or permitting a motor vehicle containing hazardous materials to be (driven) or (parked) at variance with laws of the jurisdiction in which operated.
- 177.804/
397.2
397.5(a) Failing to require a motor vehicle containing (Class A)(Explosives) or (Class B Explosives) to be attended.
- 177.804/
397.5/
397.7(c) Failing to require a vehicle containing (name hazardous material) and located on (public street of highway) to be attended.
- 177.804/
397.2/
397.7(a)(1) Requiring or permitting a motor vehicle containing (Class A Explosives) or (Class B Explosives) to be parked within 5 feet of traveled portion of highway.
- 177.804/
397.2/
397.7(a)(2) Requiring or permitting a motor vehicle containing (Class A Explosives) (Class B explosives) to be parked on private property without knowledge and consent of person in charge.

- 177.804/
397.2/
397.7(a)(3) Requiring or permitting a motor vehicle containing (Class A Explosives) or (Class B explosives) to be parked within **300** feet of a (bridge) or (tunnel) or (dwelling) or (building) or (place where people work, congregate or assemble).
- 177.804/
397.2/
397.7(b) Requiring or permitting a motor vehicle containing (name of hazardous materials) to be parked on or within 5 feet of traveled portion of (highway) or (street).
- 177.804/
397.2/
397.9(a) Requiring or permitting a motor vehicle containing hazardous materials to operate through (heavily populated areas) or (places where crowds are assembled) or (tunnels) or (narrow streets and alleys).
- 177.804/
397.2/
397.9(b) Failing to (prepare), or (cause to be prepared) a written plan of route for motor vehicle containing (Class A Explosives) or (Class B Explosives).
- 177.804/
397.2/
397.11(b) Requiring or permitting a motor vehicle containing hazardous materials to be operated near an open fire.
- 177.804/
397.2/
397.11(b) Requiring or permitting a motor vehicle containing hazardous materials to be parked within **300** feet of an open fire.
- 177.804/
397.2/
397.13(a) Permitting a person to (smoke) or (carry) a lighted cigarette, cigar or pipe within **25** feet of a motor vehicle containing hazardous materials. (Specify explosives, oxidizing materials, or flammable materials.)

- 177.804/
397.2/
397.13(b) Permitting a person to (smoke) or (carry) a lighted cigarette, cigar or pipe within 25 feet of an empty tank motor vehicle used to transport flammable liquids or gases.
- 177.804/
397.2/
397.15(a) Permitting a motor vehicle containing hazardous materials to be fueled with the engine operating.
- 177.804/
397.2/
397.15(b) Permitting fueling of a motor vehicle containing hazardous materials without a person in control of fueling process while fuel tank is filled.
- 177.804/
397.2
397.17(a) Failing to require driver to examine tires of a motor vehicle containing hazardous materials (each 2 hours or 100 miles) or (at the beginning of each trip) or (each time the vehicle is parked).
- 177.804/
397.2
397.17(a) Requiring or permitting the operating of a vehicle with a (flat) or (leaking) or (improperly inflated) tire.
- 177.804/
397.2/
397.17(c) Operating a motor vehicle containing hazardous materials with an overheated tire.
- 177.804/
397.2/
397.19(a) Failing to furnish driver of motor vehicle transporting (Class A Explosives) or (Class B Explosives) with (a copy of the rules of Part 397) and/or (emergency procedure instructions).
- 177.804/
397.2
397.19(b) Failing to obtain from driver or having on file receipt for instructions and documents.
- 177.804/
397.2/
397.21(a) Failing to mark a vehicle transporting hazardous materials with (name or trade name carrier) and/or (city or community of principal place of business or where vehicle is based).

Attachment B

HAZARDOUS MATERIALS VIOLATIONS - 49 CFR PARTS 171-178

Section Number	Violation
171.2(a) plus specific section	Offering (or accepting) a hazardous material for transportation not properly classed, described, packaged, marked, labeled, or in proper condition for shipment.
171.2(b) plus specific section	Transporting or handling a hazardous material not in accordance with existing regulations.
171.2(c) plus specific section	Representing, marking, certifying to, or selling a package or container intended to contain hazardous materials, not meeting prescribed specifications.
171.2(b)/ 173.22(a)	Transporting or handling hazardous materials not in compliance with required provisions of DOT Exemption.
171.15(a)	Failing to give immediate telephone notice of an incident involving hazardous materials.
171.16(a)	Failing to make written report of an incident involving hazardous materials.
171.16(a)	Failing to make a <u>timely</u> written report of an incident involving hazardous materials.
172.200/ 172.101(c)(11)	Improper addition of the qualifying word "mixture or solution" as part of a proper shipping name.

- 172.200/
172.102(a) Improper use of the optional hazardous materials table not in accordance with the provisions.
- 172.200/
172.201(a)(1) Failing to enter a hazardous material description on shipping papers in the manner required.
- 172.200/
172.201(a)(2) Failing to enter the required description of a hazardous material on a shipping paper in (English), (legible manner), or (printed).
- 172.200/
172.201(a)(3) Using an unauthorized (code) or (abbreviation) on a shipping paper to describe a shipment of hazardous materials.
- 172.200/
172.202(a)(4) Failing to enter on a shipping paper the total quantity (by weight, volume, or otherwise appropriate) of a hazardous material.
- 172.200/
172.202(a) Failing to enter on shipping papers the proper (description, hazard class, or identification number).
- 172.200/
172.202(b) Failing to enter the basic description of a hazardous material in proper sequence on the shipping paper.
- 172.200/
172.203(a) Failing to enter the exemption number on a shipping paper, or to have the exemption number clearly associated with the hazardous material commodity entry.
- 172.200/
172.203(b) Failing to enter (or properly enter) "Limited Quantity" or "Ltd Qty" on shipping paper for hazardous materials.

- 172.200/
172.203(d) Failing to include on shipping papers for a shipment of radioactive material the (**radionuclide**; physical and chemical form; activity in curies; **millicuries**; or microcuries; and category of label).
- 172.200/
172.203(h)(1) Failing to include the wording "0.2 percent water" on shipping paper for anhydrous ammonia transported in **MC-330** or **MC-331** cargo tank (quenched and tempered steel).
- 172.200/
172.203(h)(2) Failing to include the word "Noncorrosive" or "**Noncor**" on a shipping paper for noncorrosive liquefied petroleum gas (quenched and tempered steel).
- 172.200/
172.203(j) Failing to enter the words "Dangerous When Wet **in** association with the proper shipping description when the material is required to be labeled with a "Dangerous When **Wet**" label.
- 172.200/
172.203(k)(1) Failing to enter a technical or **NIOSH** registry name in association with a shipping description for a material that is a poison when the shipping description does not identify the poison constituent.
- 172.200/
172.203(k)(2) Failing to enter the word "Poison" in association with a shipping description when a package contains a material which is a poison, and that fact is not disclosed by the shipping name or hazard class entry.
- 172.204(a) Failing to make (or sign) prescribed certification on shipping paper of hazardous material offered for transportation.
- 172.301(a) Failing to mark proper shipping name on package containing hazardous materials.
- 172.300/
172.304(a) Failing to properly mark package of hazardous materials as to package marking requirements. (Refer to Section.)

- 172.306(a) Failing to mark consignee's name and address on package containing hazardous materials. (Refer to Section for exceptions.)
- 172.312(a)(1) Failing to pack liquid containers of hazardous materials with closures upwards.
- 172.312(a)(2) Failing to mark package having an inside packaging of liquid hazardous materials with "This Side Up" or "This End Up."
- 172.316(a) plus specific paragraph Failing to mark packaging of 110 gallons or less with appropriate ORM (A, B, C, D, or E) designation.
- 172.326(a) Failing to mark portable tank with proper shipping name or contents.
- 172.326(a)(2) Offering for transportation or transporting a portable tank not properly marked with an identification number.
- 177.801/
172.326(b) Transporting a portable tank which is marked with the name or identification number of a hazardous material which does not represent the material being transported.
- 172.326(c) Failing to mark a portable tank with name of (owner) (lessee).
- 172.326(d) Failing to mark a (freight container or vehicle) with an identification number when transporting a portable tank marked with an identification number and the marking is not visible.
- 172.300(a)/
172.326(e) Failing to maintain proper markings on a portable tank which has not been cleaned and purged of residue and vapor, or which has not been refilled with a material not subject to the Hazardous Materials Regulations.

- 172.328(a)(1) Failing to mark a cargo tank with the proper identification number.
- 172.328(a)(1) Failing to provide to a motor carrier the required identification number on placards or affixing an orange panel with the identification number on a cargo tank.
- 172.328(b) Failing to mark a cargo tank with proper shipping name of contents (or other required markings).
- 172.328(e) Transporting a cargo tank which is marked with an identification number which does not represent the material being transported.
- 172.328(f) Failing to maintain proper name and/or identification number marking of a hazardous material on a cargo tank which has not been cleaned and purged of material and vapor, or has not been refilled with a material not subject to the Hazardous Materials Regulations.
- 172.332(a) Failing to display an orange identification number panel in conformance with requirements.
- 172.332(a) Failing to display an orange identification number on a placard in conformance with the requirements.
- 172.334(a) Unauthorized display of an identification number marking on a POISON GAS, RADIOACTIVE, or EXPLOSIVES placard.
- 172.334(b) Displaying an identification number marking container, or transport vehicle which does not contain the hazardous material identified by the displayed number.

- 172.334(f) Failing to display an orange identification number panel in proximity to the required placard for the material being transported.
- 172.336(c)(1) Failing to display identification number markings on compartmented cargo tanks in the proper sequence.
- 172.338 Failing to replace lost or destroyed identification number markings on placards or orange panels.
- 172.400(a) Failing to label (or properly label) (container) or package of hazardous materials.
- 172.401(a)(1) Affixing a label to package or container that does not contain a hazardous material.
- 172.401(b) Affixing a label to a package of hazardous materials which by its (design) (shape) or (color) could be (confused) or (conflict) with DOT warning labels.
- 172.502(a)(2) Displaying a placard which does not represent the hazard of the material being transported.
- 172.502(b) Display of a placard, sign, or other device which by its (design), (shape), or (color) could be (confused) or (conflict) with DOT prescribed placards.
- 172.516(a) Failing to affix a placard in conformance with the requirements for visibility and display.
- 172.504(a)/
172.519 Placarding a motor vehicle with placard not meeting general specifications for placards.
- 177.800(a) Failing to instruct (category of employees) in hazardous materials regulations.

- 177.800(a)** plus specific section(s) violated Failing to make prescribed regulations effective.
- 177.801(a)** (Transporting) or (Accepting) a shipment of leaking hazardous materials not (in proper condition for transportation) or (certified as to proper packaging, marking, and description).
- 171.15(a)** See **171.15**
- 171.16(a)** or **171.17(a)** See **171.16** or **171.17**
- 177.808** plus specific section(s) violated Shipments of hazardous materials offered by connecting transportation line must comply generally with Parts **170-179** of this subchapter.
- 177.811(a)** Failing to properly forward shipments of hazardous materials to destination. (See also **177.853A.**)
- 177.814(a)** Failing to maintain cargo tank certificate or manufacturer's data report at a carrier's principal office, or other approved location.
- 177.814(d)** Failing to maintain cargo tank retest and inspection reports in same file with manufacturer's certificate or manufacturer's date report.
- 177.815** Failing to maintain an adequate supply of labels.
- 177.817(a)** Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping document or other paper.

- 177.817(b) Accepting a shipment of hazardous materials not accompanied by a shipper's certification.
- 177.817(e) Failing to maintain proper accessibility of shipping papers.
- 177.823(a) Moving a transport vehicle containing hazardous material that is not properly marked or placarded.
- 177.824(b) Failing to visually inspect a cargo tank at least once in every 2 year period.
- 177.824(e) Failing to inspect and test (MC-330) (MC-331) cargo tank used to transport compressed gases.
- 177.824(f) Failing to report the (placing in service) (withdrawing) of a (MC-330) (MC-331) cargo tank.
- 177.824(f)(2) Failing to maintain at carrier's principal place of business, copy of MC-330, MC-331 Cargo Tank Service Report.
- 177.824(h) Failing to mark cargo tank with date of last test.
- 177.834(a) Failing to secure (tank) or (barrel) or (drum) or (cylinder) containing (flammable liquid) or (compressed gas) or (corrosive material) or (poisonous material) or (radioactive material) against movement during transportation.
- 177.800/
177.834(c) Permitting smoking on or about vehicle while loading or unloading any explosive, flammable liquid, flammable solid, oxidizing material, or flammable compressed gas.

- 177.834(e)** Failing to set the **handbrake/parking** brake while (loading) (unloading) of a vehicle hazardous materials.
- 177.834(g)** Failing to brace containers of (explosives), or (flammable liquids) or (flammable) (solids) or (oxidizing materials) or (compressed gases) or (poisonous liquids or **gases**), to prevent relative motion between containers.
- 177.848(f)** (Loading), (transporting), or (storing) prohibited combination of hazardous materials together. (See also **177.848.**)
- 177.834(k)** Failing to load shipment of (flammable solids), (oxidizing materials) or (corrosive liquids) so as to provide ready access for shifting or removal.
- 177.841(e)** Transporting a package bearing a poison label in the same transport vehicle with material marked or known to be foodstuff, feed, or any edible material intended for consumption by humans or animals.
- 177.854(d)** Transporting damaged containers of hazardous materials which have not been adequately repaired to prevent contamination of other lading.
- 177.870** Transporting unauthorized hazardous materials in a passenger carrying vehicle.
- 177.801/
173.33(a)** Transporting hazardous materials in an unauthorized cargo tank. (To be used when cargo tank is not qualified as an authorized container for reasons other than metal identification plate, overturn protection, **rearend** protection, or remote emergency discharge controls.)

177.801/
173.33 plus
specific
section of
Part 178

Operating an (MC-300) cargo tank used to transport hazardous materials not marked with a metal identification plate.

Ditto for MC-301 thru MC-331

177.801/
173.33 plus
specific
section of
Part 178

Operating an (MC-300) cargo tank used to transport hazardous material without adequate overturn protection.

Ditto for MC-301 thru MC331

MC-310 (Top outlets only)

177.801/
173.33 plus
specific
section of
Part 178

Operating an (MC-300) cargo tank used to transport hazardous materials without adequate rear end protection of fittings.

Ditto for MC-301 thru 331

177.801/
173.33 plus
specific
section of
Part 178

Operating an (MC-300) cargo tank used to transport hazardous materials without an operable remote emergency discharge control.

Ditto for MC-301 through MC-331

MC-330 Required only when transporting flammable compressed gas or anhydrous ammonia (see 173.33(k)).

HAZARDOUS SUBSTANCE VIOLATIONS - 49 CFR PARTS 171-178

NOTE: The following entries are **specific** to hazardous substances. For general hazardous materials entries for which violations are discovered refer to the appropriate section.

- 171.17(a) Failure of a (person or carrier) to make the required telephonic notification of an (accidental or unintentional) discharge of a hazardous substance.
- 171.17(a) Failing to include the additionally required information on the Hazardous Material Incident Report when a hazardous substance is **discharged**.
- 172.200/
172.203(c)(1) Failing to enter the hazardous substance constituent on a shipping paper when not identified by the proper shipping name.
- 172.203(c)(2) Failing to enter on a shipping paper the letters "RQ" for a hazardous substance.
- 172.324(a) Failing to identify a package of 110 gallons or less with the constituents making it a hazardous substance.
- 172.324(b) Failing to mark a package of 110 gallons or less with the letters "RQ" when containing a hazardous substance.

End of specific hazardous substances violations.


HAZARDOUS WASTE VIOLATIONS - 49 CFR PARTS 171-178

The following entries are specific to hazardous wastes. For general hazardous materials entries for which violations are discovered refer to the appropriate section.

- 171.3(a) Offering for transportation (or transporting) a hazardous waste not properly described, classed, packaged, marked, labeled, or in proper condition for shipment.
- 171.3(b)(1) Failing to mark a motor vehicle used to transport hazardous waste with name, address, and if applicable, ICC number. (Not applicable to private carriers of hazardous waste.)
- 171.3(b)(3) Failing to deliver the entire quantity of a hazardous waste received to the designated facility (or subsequent carrier, or designated foreign destination).
- 171.15(a) Failing to give immediate telephone notification of an incident involving hazardous wastes.
- 171.16(a) Failing to make written report of an incident involving hazardous wastes within 15 days of the date of discovery.
- 172.204 Failing to make (or sign) prescribed certification on a hazardous waste manifest of hazardous waste offered for transportation.
- 172.205(a) Offering, transporting, transferring, or delivering a hazardous waste without a hazardous waste manifest which has been properly prepared, signed, carried, and given as required of that person.

- 172.205(b)** Failing to prepare the hazardous waste manifest in accordance with **40 CFR** Part **262**.
- 172.205** Failing to have an original copy of a hazardous waste manifest which is dated and/or bears a hand written signature. (Shipper and Carrier)
- 172.205** Failing to have a copy of a hazardous waste manifest which is dated and/or bears a hand written signature. (Carrier(s) and designated facility.)
- 172.205** Failing to provide a copy of a properly prepared hazardous waste manifest containing all required dates and signatures to a representative of each carrier accepting the waste.
- 172.205(e)(2)** Failing to carry a hazardous waste manifest in a manner prescribed for shipping papers in Section **177.817(e)**.
- 172.205(e)(3)** Failing to provide a hazardous waste manifest to the designated facility.
- 172.205(e)(5)** Failing to maintain a copy of a hazardous waste manifest for at least 3 years.

Attachment C

 U.S. Department of Transportation Federal Highway Administration Bureau of Motor Carrier Safety		EXHIBIT ABSTRACT		1. INVESTIGATION NO.	
				2. EXHIBIT NO.	
3. SECTION NUMBER		4. DESCRIPTION OF VIOLATION:			
5. DOCUMENT		6. OBTAINED FROM		7. IDENTIFYING WITNESS	
8. REMARKS:					
9. PREPARED BY:		10. TITLE		11. DATE	12. CODE NO.

FORM MCS-33A (Rev. 3-82) Supersedes MCS-33A (3-68), MCS-33B (3-68), MCS-33C, MCS-33D, MCS-33E, MCS-33F, and MCS-33G which are obsolete.


EXHIBIT ABSTRACT

INVESTIGATION NUMBER: EXHIBIT NUMBER:

SECTION NUMBER: _____ VIOLATION DESCRIPTION: _____

REMARKS:

DOCUMENTS:

 US Department of Transportation Federal Highway Administration MOTOR CARRIER SAFETY ENFORCEMENT REPORT		1. Investigation Number		2. Carrier/Shipper Census Number	
		3. Subject			
4. Mailing Street Address:			5. City		6. St.
					7. Zip Code
8. VIOLATIONS DOCUMENTED					
9. Section Number 49 CFR	10. Violation Description			11. Number Discovered	12. Number Documented
13. Action Dates (mo/da/yr)			14.		
A. Assigned I I B. Commenced I I C. Investigation Completed / / D. Report Completed I / E. Sent to Region I / F. Returned by Region I I G. Resubmitted to Region / I			Reviewed by: _____ Title: _____ Date: _____		
15. Safety Specialist Signature		16. Code No.			

MCS-152 (11-88)

Attachment D
(cont'd)

COMMENTS

State Director/Officer-In-Charge: _____
- Fitness/Quality)

Unrecommended Claim)

Regional Program Coordinator/Manager: _____
(Quality)

Comments)

Recommended Assessment)

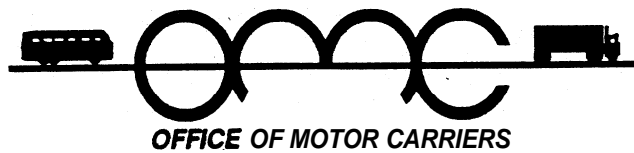
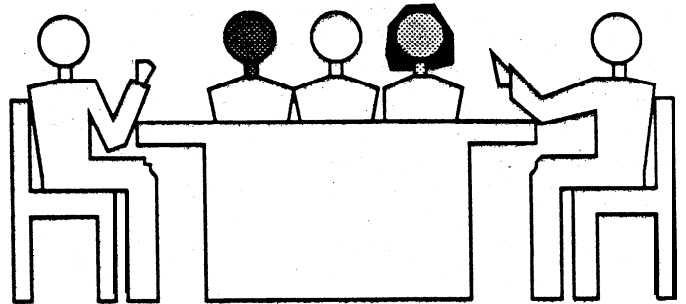
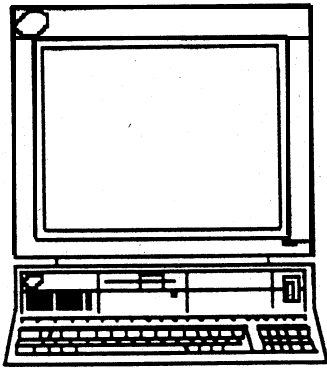
Regional Director: _____
(Concur)

Nonconcur)

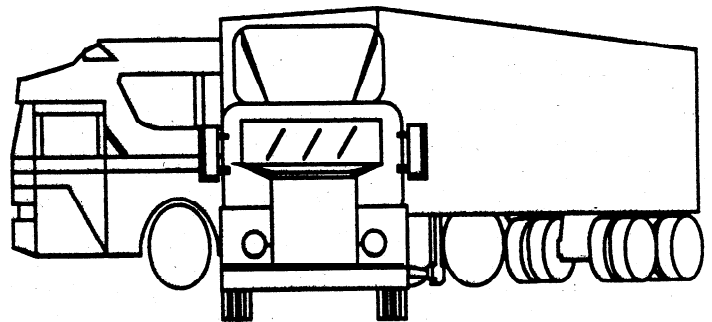
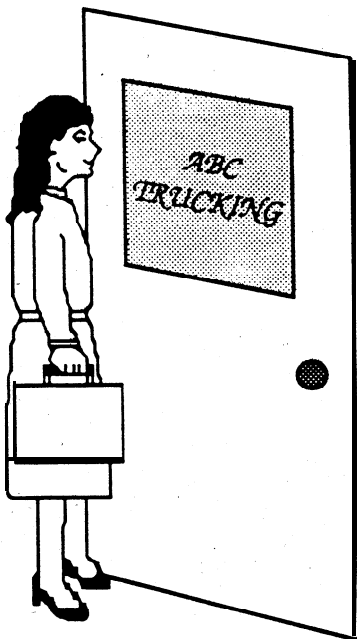


U.S. Department
of Transportation
**Federal Highway
Administration**

MOTOR CARRIER TRAINING MANUAL



OFFICE OF MOTOR CARRIERS





U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: Motor Carrier Training Manual

Date: MAR 8 1990

From: Director, Office of Motor Carrier
Field Operations

Reply to
Attn. of: HF0-10

To: Office of Motor Carrier Personnel

The attached **Motor Carrier Training Manual (MCTM)** developed by the Office of Motor Carrier Field Operations, Federal Programs Division in cooperation with the Transportation Safety Institute (TSI) serves a dual purpose of a training aid and a specific guide for work activities in the program areas of the Office of Motor Carriers.

The **MCTM** should be used in conjunction with the **Motor Carrier Safety Manual (MCSM)**. The **MCTM** supersedes the **TSI Training Text** and any portion of the **MCSM**, memoranda or instructions which are in conflict.

All issues and revisions of, and deletions to, the **MCTM** are prepared and approved by the Office of Motor Carriers. Questions concerning additions, deletions, or corrections should be directed to the Chief, Federal Programs Division (HF0-10).


Michael F. Trentacoste

Attachment

